



NEBRASKA RULES OF BANKRUPTCY PROCEDURE

Adopted by the United States District Court
for the District of Nebraska



Effective 

NEBRASKA RULES OF BANKRUPTCY PROCEDURE

TABLE OF RULES

RULE 1001-1.	SCOPE OF LOCAL RULES, FORMS, APPENDICES, AND DEFINITIONS	<u>-7-</u>
PART I.	COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION, AND ORDER FOR RELIEF	<u>-9-</u>
RULE 1002-1.	PETITION - GENERAL	<u>-9-</u>
RULE 1005-1.	CAPTION OF PETITION	<u>-9-</u>
RULE 1007-1.	LISTS, SCHEDULES, AND STATEMENTS	<u>-9-</u>
RULE 1007-2.	MAILING - LIST OR MATRIX	<u>-12-</u>
RULE 1017-1.	CONVERSION - REQUEST FOR/NOTICE OF	<u>-12-</u>
RULE 1017-2.	DISMISSAL OR SUSPENSION - CASE OR PROCEEDINGS	<u>-13-</u>
RULE 1072-1.	PLACES OF HOLDING COURT	<u>-13-</u>
RULE 1073-1.	ASSIGNMENT OF CASES	<u>-14-</u>
PART II.	OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS .	<u>-14-</u>
RULE 2002-1.	NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES	<u>-14-</u>
RULE 2002-2.	NOTICES TO UNITED STATES OR FEDERAL AGENCY	<u>-17-</u>
RULE 2002-3.	UNITED STATES AS A CREDITOR OR PARTY	<u>-17-</u>
RULE 2002-4.	NOTICE OF PREFERRED ADDRESSES UNDER 11 U.S.C. § 342(e)-(f) AND NATIONAL CREDITOR REGISTER SERVICE	<u>-18-</u>
RULE 2003-1.	MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS	<u>-18-</u>

RULE 2014-1.	EMPLOYMENT OF PROFESSIONALS	<u>-19-</u>
RULE 2015-1.	TRUSTEES - GENERAL	<u>-19-</u>
RULE 2016-1.	COMPENSATION OF PROFESSIONALS	<u>-19-</u>
RULE 2017-1.	EXAMINATION OF THE DEBTOR'S TRANSACTIONS WITH PROFESSIONALS	<u>-20-</u>
RULE 2080-1.	CHAPTER 9	<u>-21-</u>
PART III.	CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS	<u>-23-</u>
RULE 3002-1.	FILING PROOF OF CLAIM	<u>-23-</u>
RULE 3007-1.	CLAIMS - OBJECTIONS	<u>-23-</u>
RULE 3011-1.	REQUESTS FOR PAYMENT OF UNCLAIMED FUNDS	<u>-24-</u>
RULE 3015-1.	CHAPTER 12 - GENERAL	<u>-24-</u>
RULE 3015-2.	CHAPTER 13 - GENERAL	<u>-27-</u>
RULE 3015-3.	CHAPTER 13 - AMENDMENTS TO PLANS	<u>-30-</u>
RULE 3015-4.	CHAPTER 13 - DISMISSAL OF CASE UPON PAYMENT DEFAULT	<u>-30-</u>
RULE 3017-1.	DISCLOSURE STATEMENT IN A SMALL BUSINESS CASE ...	<u>-31-</u>
RULE 3020-1.	CONFIRMATION - CHAPTERS 9, 11, AND 12	<u>-32-</u>
RULE 3023-1.	FORMULA FOR DETERMINING VALUE, AS OF THE EFFECTIVE DATE OF THE PLAN, FOR USE IN CHAPTERS 9, 11, 12, AND 13	<u>-32-</u>
RULE 3057-1.	CRIMINAL REFERRALS	<u>-33-</u>
PART IV.	THE DEBTOR: DUTIES AND BENEFITS	<u>-33-</u>
RULE 4001-1.	AUTOMATIC STAY - RELIEF FROM	<u>-33-</u>

RULE 4001-2.	SECTIONS 362(C)(3), 362(C)(4), AND 521(A)(6), AUTOMATIC STAY EXTENSIONS AND TERMINATIONS	<u>-35-</u>
RULE 4002-1.	DEBTOR - DUTIES	<u>-36-</u>
RULE 4002-2.	ADDRESS OF DEBTOR	<u>-39-</u>
RULE 4003-1.	LIEN AVOIDANCE	<u>-39-</u>
RULE 4008-1.	HEARINGS ON REAFFIRMATION AGREEMENTS	<u>-39-</u>
PART V.	COURTS AND CLERKS	<u>-40-</u>
RULE 5005-1.	ELECTRONIC FILINGS	<u>-40-</u>
RULE 5005-2.	DOCUMENTS FILED UNDER SEAL	<u>-41-</u>
RULE 5010-1.	REOPENING CASES	<u>-41-</u>
RULE 5011-1.	WITHDRAWAL OF REFERENCE	<u>-42-</u>
PART VI.	COLLECTION AND LIQUIDATION OF THE ESTATE	<u>-42-</u>
RULE 6004-1.	SALES OF ESTATE PROPERTY	<u>-42-</u>
PART VII.	ADVERSARY PROCEEDINGS	<u>-43-</u>
RULE 7001-1.	ADVERSARY PROCEEDINGS - GENERAL	<u>-43-</u>
RULE 7004-1.	PROCESS; SERVICE OF SUMMONS, COMPLAINT	<u>-45-</u>
RULE 7026-1.	DISCOVERY MOTIONS	<u>-45-</u>
RULE 7055-1.	DEFAULT	<u>-45-</u>
RULE 7056-1.	SUMMARY JUDGMENT PROCEDURE	<u>-46-</u>
RULE 7062-1.	RENTAL/LEASE DEPOSITS IN THE COURT	<u>-47-</u>
RULE 7067-1.	REGISTRY FUNDS; DEPOSIT IN THE COURT	<u>-48-</u>
PART IX.	GENERAL PROVISIONS	<u>-48-</u>

RULE 9004-1.	CAPTION	-48-
RULE 9004-2.	ATTORNEY IDENTIFICATION	-49-
RULE 9004-3.	DEFICIENCY NOTICE/CORRECTED FILINGS/DATE OF FILINGS	-49-
RULE 9006-1.	TIME PERIODS	-49-
RULE 9006-2.	CONTINUANCES OF SCHEDULED HEARINGS	-50-
RULE 9010-1.	APPEARANCES AND WITHDRAWAL OF APPEARANCE	-51-
RULE 9011-1.	SIGNATURES	-51-
RULE 9013-1.	MOTION PRACTICE	-52-
RULE 9014-1.	APPLICABILITY OF FED. R. CIV. P. 16 AND 26 TO CONTESTED MATTERS	-55-
RULE 9015-1.	JURY TRIAL	-55-
RULE 9017-1.	HEARINGS UPON DECLARATIONS AND DOCUMENTARY EVIDENCE; DESTRUCTION OF EXHIBITS	-55-
RULE 9019-1.	SETTLEMENTS AND STIPULATIONS	-57-
RULE 9072-1.	ORDERS - PROPOSED	-57-
APPENDIX “A”		
	MATTERS GOVERNED BY NEB. R. BANKR. P. 9013-1	-59-
APPENDIX “B”		
	ADDRESSES	-63-
APPENDIX “C”		
	ASSIGNMENT OF CASES PER <u>RULE 1073-1</u>	-66-
APPENDIX “D”		
	TO RULE 2003-1	
	LOCATIONS OF CHAPTER 7 § 341 MEETINGS	-68-

APPENDIX “E”	
TO RULE 2003-1	
LOCATIONS OF CHAPTER 11, 12, AND 13 § 341 MEETINGS	<u>-69-</u>
APPENDIX “F”	
CHAPTER 13 FEE APPLICATION	<u>-70-</u>
APPENDIX “G”	
CHAPTER 13 PLAN AND NOTICE OF RESISTANCE DEADLINE	<u>-72-</u>
APPENDIX “H”	
ORDER CONFIRMING PLAN	<u>-78-</u>
APPENDIX “I”	
NEB. OFFICIAL FORM 9-1	
NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 9	<u>-80-</u>
APPENDIX “J”	
CHAPTER 12 STANDING TRUSTEE FEES	<u>-82-</u>
APPENDIX “K”	
CERTIFICATION BY DEBTOR IN SUPPORT OF CONFIRMATION	<u>-83-</u>
APPENDIX “L”	
SAMPLE FORMAT - CERTIFICATE OF SERVICE	<u>-84-</u>
APPENDIX “M”	
DOCKETING STANDARDS FOR EVIDENCE	<u>-85-</u>
APPENDIX “N”	
CHAPTER 13 FEE REQUESTS	<u>-86-</u>
APPENDIX “O”	
CERTIFICATION BY DEBTOR IN SUPPORT OF DISCHARGE	
REGARDING PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS	<u>-88-</u>
APPENDIX “P”	
CERTIFICATION BY DEBTOR IN SUPPORT OF DISCHARGE	
REGARDING (1) PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS	
AND (2) DISCHARGES IN PRIOR CASES	<u>-89-</u>

RULE 1001-1. SCOPE OF LOCAL RULES, FORMS, APPENDICES, AND DEFINITIONS

A. Citation. These Local Rules shall be formally referred to as Nebraska Rules of Bankruptcy Procedure and cited as Neb. R. Bankr. P. A Rule may also be referred to as “Local Rule ____.”

B. Application.

1. The Rules shall apply to all bankruptcy cases and adversary proceedings. The Bankruptcy Judges may, by order, direct that specific Local District Court Rules are applicable in a particular case.

2. The Rules shall apply in all cases filed under all chapters unless specifically excluded.

C. District Court Rules. The Nebraska General Rules of the United States District Court for the District of Nebraska concerning the following matters are specifically made applicable in bankruptcy cases and adversary proceedings and can be found at www.ned.uscourts.gov.

1. Admission, discipline of attorneys, clinical legal education for law students, non-resident attorneys, and appearance of counsel. NEGenR 1.3(d), 1.7, and 1.8.

2. Withdrawal of Reference. NEGenR 1.5(b).

D. Other Local Rules; Administrative Procedures. In addition to these bankruptcy Local Rules, the Court has separate administrative procedures for electronically filing documents. If there is any conflict between a Local Rule and an administrative procedure, the administrative procedure controls.

E. Forms. The Bankruptcy Court may adopt suggested forms for use in Nebraska cases. Current forms are available from the United States Bankruptcy Court website at www.neb.uscourts.gov or at the Clerk’s office.

F. Appendices. The appendices attached to the Local Rules are for information only and are not adopted as part of the Local Rules and may be modified or deleted from time to time by order of the Judges of the Bankruptcy Court.

G. Definitions.

1. “Bankruptcy Code” or “Code” means Title 11 of the United States Code.

2. “Clerk” without further description shall mean the Clerk of the Bankruptcy Court or any of his or her deputies.

3. “Counsel” or “attorney” includes, if appropriate, a pro se party.

4. “Court” shall mean “Judge” unless by its context it is determined to mean the Judges of the United States Bankruptcy Court for the District of Nebraska.

5. “Debtor.” When any act is required by these Rules to be performed by a debtor or when it is necessary to compel attendance of a debtor for examination and the debtor is not a natural person: (a) if the debtor is a corporation, “debtor” includes, if designated by the Court, any or all of its officers, members of its board of directors or trustees or of a similar controlling body, a controlling stockholder or member, or any other person in control; (b) if the debtor is a partnership, “debtor” includes any or all of its general partners or, if designated by the Court, any other person in control.

6. “Electronic Filing” or “electronically file” shall mean uploading a pleading or document directly from a registered user’s computer, using the Court’s Internet-based System to file said pleading or document in the case file. Electronic filing shall also include any uploading to the System done by the Clerk’s office of documents submitted to the Court in paper format. Sending a document or pleading to the Court via email (electronic mail) or facsimile transmission (fax) is not an electronic filing and is prohibited without the approval of the Clerk or designee.

7. “Electronic Signature.” The ECF filer login and password may constitute the signature of said party on any electronically filed pleading (i.e., affidavits, petition, schedules). The attorney of record or the party originating the document shall maintain the original signed document. Upon request, the original document must be provided to other parties or the Court for review.

8. “File Size.” When scanning documents to be subsequently filed electronically, filing parties shall ensure the document(s) are no larger than 40 pages or 3MB, whichever is larger. All documents larger than 40 pages or 3MB shall be separated and scanned in portions not to exceed the 40 page limit. The document will be entered into the System as one pleading with attachments.

9. “Filing” or “file” shall mean “electronic filing” or “electronically file” unless otherwise specified.

10. “Judge” without further description shall mean a Bankruptcy Judge assigned or designated for service in the District of Nebraska.

11. “Judgment” means any appealable order.

12. “**Portable Document Format** (.pdf).” A document created with almost any word-processing program can be converted to .pdf. The .pdf program in effect takes a picture of the original document and allows anyone to open the converted document across a broad range of hardware and software, with layout, format, links, and images intact.

13. “System” means the Court’s Electronic Filing System accessed through attorney passwords and logins via the Internet.

PART I. COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION, AND ORDER FOR RELIEF

RULE 1002-1. PETITION - GENERAL

A. Specific Requirements of Content of Voluntary Petitions.

1. The petition shall conform to the Official Bankruptcy Forms.
2. If the debtor is a corporation, attached to each copy of the petition shall be a certified copy of the corporate action authorizing the filing of the petition.
3. The petition shall include the tax identification numbers used by a corporation, a partnership, an individual, and by a sole proprietorship, if different from the individual tax identification number.

RULE 1005-1. CAPTION OF PETITION

A. Caption of Petition. The caption of a petition commencing a case under the Code shall contain the name of the Court and the title of the case. The title of the case shall include the name, last four digits of the social security number, individual taxpayer identification number and/or employer’s tax identification number of the debtor, and all other names used by the debtor within six years before filing the petition. If the petition is not filed by the debtor, it shall include all names used by the debtor which are known to petitioners.

B. Social Security Numbers or Individual Taxpayer Identification Numbers. If an individual’s social security number or individual taxpayer identification number is relevant in a pleading, only the last four digits of that number should be used. Official Form 21, Statement of Social Security Number, should contain the full social security number or individual taxpayer identification number and should be processed as prescribed by the Court.

RULE 1007-1. LISTS, SCHEDULES, AND STATEMENTS

A. Schedules of Liabilities. In each schedule of creditors, the creditors’ names shall be listed alphabetically. If a tax obligation is listed, it shall include the date the tax obligation was

incurred or assessed and the type of tax (*e.g.*, personal income tax - Form 1040; payroll tax - Form 940 and 941; 100% penalty, etc.).

B. Service.

1. Amendments to petition, schedules, and statement of affairs must be appropriately served on the trustee. Counsel for the debtor shall serve all affected entities with a copy of the amendment and the original § 341 notice and electronically file a certificate of service.

2. The Clerk's office shall not maintain a paper Court file in any case filed after January 2, 2002, **unless it is a pro se case**. The official Court record shall be an electronic file maintained on the Court's server.

C. Extension of Time to File Schedules. No hearing shall be required on motions to extend time to file lists of creditors and equity security holders, or to file schedules and statement of affairs unless requested by the United States Trustee within seven days of service. Requests for extension of time should set forth whether or not a previous request for extension has been granted.

D. Failure to File all Information in Chapter 7 and Chapter 13 Cases. If an individual debtor in a case under Chapter 7 or Chapter 13 fails to file all information required under 11 U.S.C. § 521 or § 1321, or **a** motion for an extension of time has **not** been filed, the trustee or United States Trustee will file a Notification of Debtor's Failure to Comply and the case will be dismissed without further notice or hearing.

E. Credit Counseling. Pursuant to 11 U.S.C. § 109(h)(1), an individual may not be a debtor under this Title unless such individual has, during the 180-day period preceding the date of filing of the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in § 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

1. 11 U.S.C. § 109(h)(3)(A) provides that the credit counseling requirement shall not apply with respect to a debtor who submits to the Court a certification that:

(a) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

(b) states that the debtor requested credit counseling services from an approved nonprofit budget and credit counseling agency, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

(c) is satisfactory to the court.

2. Debtors requesting an extension of time to obtain credit counseling must file with the petition an affidavit or declaration providing in detail information concerning the reason they were actually unable to obtain credit counseling prior to filing the petition. Simply stating that a foreclosure sale is imminent will not be sufficient. Debtors must explain (a) when they received notice of the foreclosure sale date; (b) when they contacted an attorney concerning bankruptcy or other relief; (c) when they contacted the credit counseling agency; and (d) the reasons, if any, that they delayed contacting the attorney and/or the credit counseling agency.

3. The Court will review each affidavit or declaration to determine if it complies with the requirements of the Code. If it is determined that the affidavit or declaration does not comply with the requirements of the Code, the case will be dismissed.

F. Privacy Rules.

1. Redacted Documents. To comply with the policy of the Judicial Conference of the United States and the E-Government Act of 2002, effective December 1, 2003, filing parties shall omit or, where inclusion is necessary, partially redact the following personal data identifiers from all pleadings, documents, and exhibits, whether filed electronically or in paper, unless otherwise ordered by the Court or required by statute, the Federal Rules of Bankruptcy Procedure, or the Official Bankruptcy Forms.

- a. Minors' Names. If the involvement of a minor child must be mentioned, only the minor's initials should be used.
- b. Financial Account Numbers. If the financial account numbers are relevant, only the last four numbers of the account number should be used.
- c. Social Security Numbers. If an individual's social security number or individual taxpayer identification number is relevant in a pleading, only the last four digits of that number should be used. Official Form 21, Statement of Social Security Number, should contain the full social security number or individual taxpayer identification number and should be processed as prescribed by the Court.
- d. Date of Birth. If an individual's date of birth must be included in a pleading, only the year should be used.
- e. Other Data. As permitted by order of the Court.

2. The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk's office will not review documents for compliance with this Rule or redact documents, whether filed electronically or on paper. In addition, the Court will not go back and redact documents filed before December 1, 2003.

3. Copies of all amended Statements of Social Security Number or Individual Taxpayer Identification Number (Official Form 21) should be submitted to the Court in paper format. The filing attorney shall maintain the original signed document for all bankruptcy cases at least one year after the case is closed.

4. Any party wishing to file a document containing any of the personal data identifiers specified above may, upon order of the Court, file an unredacted document under seal or conventionally file a reference list under seal. *See* Neb. R. Bankr. P. 5005-2. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its(their) place in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier. The reference list must be filed under seal, and may be amended as of right. It shall be retained by the Court as part of the record.

RULE 1007-2. MAILING - LIST OR MATRIX

A. Filing Matrix.

1. Each voluntary petition shall be accompanied by a list of creditors, lessors, and interest holders set forth in alphabetical order (the “Matrix”). The Matrix shall include the mailing address and zip code for each creditor and shall be in the format approved by the Clerk.

2. In all Chapter 7, 12, and 13 cases, the Internal Revenue Service shall be listed only if the debtor believes a tax is owing. In all Chapter 11 cases, whether or not the Internal Revenue Service is known to be a creditor, the Internal Revenue Service shall be listed on the Matrix at the address shown on the Appendix “B” to these Local Rules.

3. In all cases where the Nebraska Department of Revenue is known to be a creditor and in all Chapter 11 cases, whether or not the Nebraska Department of Revenue is known to be a creditor, the Nebraska Department of Revenue shall be listed on the Matrix at the address shown on the Appendix “B” to these Local Rules.

4. In all cases, the county attorney and county treasurer from the county in which the debtor resides shall be listed on the Matrix.

RULE 1017-1. CONVERSION - REQUEST FOR/NOTICE OF

A. Conversions. All conversions must be noticed pursuant to Fed. R. Bankr. P. 9013. A conversion not noticed pursuant to Fed. R. Bankr. P. 9013 will be issued a non-compliance notice and will remain unprocessed until the appropriate proof of notice is filed with the Court.

B. Conversions and Dismissals of Chapter 11 Cases. Pursuant to 11 U.S.C. § 1112(b)(1)-(3), upon the filing of a Motion for Conversion or Dismissal, the Clerk shall (1) set a date by which resistances must be filed; (2) schedule the matter for a hearing to take place within 30 days;

and (3) provide notice thereof to the moving party. Unless otherwise ordered, the hearing will be upon affidavits or declarations and documentary evidence. Unless otherwise ordered, oral arguments will be scheduled in the courtroom or by telephone conference. MOVANT SHALL NOT PROCEED UNDER LOCAL RULE 9013.

1. Service. The moving party shall serve notice of the motion upon the debtor and the debtor's attorney, if any, and parties in interest. In all cases in which a trustee has been appointed, the trustee or interim trustee shall be named and served as an additional responding party. The moving party shall immediately serve on all parties in interest the motion, proposed affidavit or declaration evidence or a detailed summary thereof, notice of the hearing date and the specific calendar date which any resistance with evidentiary summary must be filed and served, and file with the Court a Certificate of Service at least **seven** days prior to the resistance deadline.

RULE 1017-2. DISMISSAL OR SUSPENSION - CASE OR PROCEEDINGS

A. Voluntary Dismissal. In addition to stating with particularity the grounds for relief, all motions to dismiss shall comply with Neb. R. Bankr. P. 9013-1 and shall fully disclose any existing arrangement or agreement between the debtor and creditors or any person or entity in connection with the motion for dismissal. The Court may condition dismissal upon payment of fees, including quarterly fees due the office of the United States Trustee, as warranted. After notice and a hearing, the Court may enter judgment for the fees against the debtor and debtor-in-possession upon filing of an appropriate declaration or affidavit by the office of the United States Trustee.

B. Motions to Alter, Amend, Reinstate, or Reconsider Dismissal of Chapter 13 Cases. A timely filed motion to alter, amend, reinstate, or reconsider dismissal of a Chapter 13 case which was dismissed for failure of the debtor to make payment shall comply with Neb. R. Bankr. P. 9013-1 and state with particularity:

1. The circumstances which explain why the required payments were not made;
2. The circumstances which have changed so as to permit the debtor to make future payments; and
3. The date and the manner of the future payments the debtor proposes to make to the Chapter 13 Standing Trustee.

If the future payments are to be made by payroll deduction, the motion shall state the name and address of the employer and the pay period of the debtor.

RULE 1072-1. PLACES OF HOLDING COURT

The Clerk and assigned Judge shall determine the location of hearings in a particular case.

RULE 1073-1. ASSIGNMENT OF CASES

A. Assignment. The Bankruptcy Judges will, from time to time, adopt a general policy concerning the assignment of cases for implementation by the Clerk. The general policy will be varied on a case-by-case basis at the Judges' discretion based on a number of factors which include the relative workload of Judges, conflict of interests, and recusals. Upon the filing of a petition, the Clerk shall assign the case to a particular Judge. Appendix "C" sets forth the general policy concerning the assignment of cases to a particular Judge as well as case assignments to a particular office of the Clerk of Bankruptcy Court.

B. Subsequent Filings. After the Court's assignment of cases, all subsequent paper pleadings or motions shall be filed in the office of the Clerk in the assigned location.

C. Assignments in Emergency Situations. If the Bankruptcy Judge to whom the case is assigned is disabled and unable to consent to the reassignment of the case, the Chief Judge may reassign the case without the Bankruptcy Judge's consent. In the event that the Chief Bankruptcy Judge is disqualified or disabled, the authority to reassign a case passes to the Bankruptcy Judge who is next senior in service. If all Bankruptcy Judges are disqualified or disabled, the authority to reassign a case passes to the Chief District Judge.

PART II. OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

RULE 2002-1. NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

A. Notice in Chapter 7. In all Chapter 7 cases, after 90 days following the first date set for the meeting of creditors pursuant to § 341 of the Code, all notices required by subdivision (a) of Fed. R. Bankr. P. 2002, except clause (4) thereof, shall be served on creditors whose claims have been filed and creditors, if any, who are still permitted to file claims by reason of an extension granted under Fed. R. Bankr. P. 3002(c), except that notice shall also be served on any entity which has filed with the Court a request for notices.

1. Appearance at § 341 Meetings. Debtors are required by the Bankruptcy Code and Federal Rules of Bankruptcy Procedure to attend a § 341 first meeting of creditors. The United States Trustee's office will schedule a continued § 341 meeting if the debtor fails to appear at the originally scheduled meeting. If the debtor fails to appear at the continued § 341 meeting, the United States Trustee's office may notify the Clerk of such fact and the case will be dismissed without further notice or hearing.

2. Notice of Continued § 341 Meetings. If the § 341 first meeting is continued due to non-appearance by the debtor or the debtor's counsel, the Chapter 7 Trustee will announce the date and time of the continued meeting at the originally scheduled § 341 first meeting. No

further written notice will be provided by the Clerk or the United States Trustee's office, except through the CM/ECF system, when applicable. It is the responsibility of the debtor's counsel to contact the United States Trustee's office to verify the date and time of the continued meeting and inform the debtor(s) of the obligation to attend.

B. Notice to Committees. Notice shall be provided to committees in accordance with Fed. R. Bankr. P. 2002(i). Pursuant to this Local Rule, the notices required by subdivisions (a)(2), (3), and (7) of Fed. R. Bankr. P. 2002, shall be transmitted to the United States Trustee and shall be served on the committees elected pursuant to 11 U.S.C. § 705 or appointed pursuant to 11 U.S.C. § 1102 of the Code or to their authorized agents; to the creditors and equity security holders who serve on the trustee or debtor-in-possession and file a request that all notices be served; and to the holders of the 10 largest unsecured claims not otherwise provided notice under this Local Rule.

C. Notice in Chapter 13. Upon the filing of a Chapter 13 petition, the Clerk shall schedule a "First Meeting of Creditors," as authorized by 11 U.S.C. § 341 and shall provide notice of the date and time of such meeting to the Chapter 13 Trustee, the debtor, counsel for the debtor, and all parties listed on the Matrix filed with the petition. The notice shall provide that, if a Chapter 13 plan is filed with the petition, counsel for the debtor shall serve the plan, with a resistance date of 14 days after the conclusion of the "Meeting of Creditors." Counsel will not have the exact date of the "Meeting of Creditors" when the petition and plan are filed. Therefore, the notice may state, "Any resistance to the plan must be filed no later than 14 days after the conclusion of the 'Meeting of Creditors.'"

1. Appearance at § 341 Meetings. Debtors are required by the Bankruptcy Code and Federal Rules of Bankruptcy Procedure to attend a § 341 first meeting of creditors. The Chapter 13 Trustee, with authorization from the United States Trustee, will schedule a continued § 341 meeting if the debtor fails to appear at the originally scheduled meeting. No further notice will be provided by the Clerk or the Chapter 13 Trustee or the United States Trustee's office except through the CM/ECF system, when applicable. It is the responsibility of the debtor's counsel to verify the date and time of the continued meeting and inform the debtors of the obligation to attend.

2. Dismissal for Failure to Appear. If the debtor fails to appear at the continued § 341 meeting, the Chapter 13 Trustee, with authorization from the United States Trustee, may notify the Clerk and the case will be dismissed without further notice or hearing.

D. Notice and Reports to Nebraska Department of Revenue.

1. In all Chapter 11 cases, whether or not the Nebraska Department of Revenue is known to be a creditor, the Nebraska Department of Revenue shall receive all notices pursuant to Fed. R. Bankr. P. 2002(a), (b), and (f) at the address listed on Appendix "B" to these Local Rules.

2. A debtor-in-possession or a trustee operating a business shall timely submit to the Nebraska Department of Revenue, at the address listed on Appendix "B" to these Local Rules,

a copy of each report submitted to the United States Trustee. *See* Neb. R. Bankr. P. 4002-1(B) for state tax returns.

E. Service.

1. Whenever a pleading or other paper is filed electronically in accordance with these procedures, the System shall generate a “Notice of Electronic Filing” to the filing party and any other party who is a registered user and has requested electronic notice in that case.

- a. If the recipient is a registered participant in the System, the Clerk’s e-mailing of the “Notice of Electronic Filing” shall be the equivalent of service of the pleading or other paper by first class mail, postage prepaid.
- b. Service of the “Notice of Electronic Filing” on a party who is not a registered participant in the System may be accomplished by email, subject to the additional service requirements of Neb. R. Bankr. P. 2002-1(E)(3).

2. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled. Sample language for a “Certificate of Service” is attached to these procedures as Appendix “L.”

3. A party who is not a registered participant of the System is entitled to a paper copy of any electronically filed pleading or paper. The filing party must, therefore, provide the non-registered party with the pleading or paper according to the Federal Rules of Bankruptcy Procedure. When mailing paper copies of documents that have been electronically filed, the filing party may include the “Notice of Electronic Filing” to provide the recipient with proof of the filing.

4. A registered participant in the System may request the discontinuation of service by electronic notice in a particular case. Upon the Court’s receipt of said request, the filing party will be administratively terminated in said case for the purpose of receiving notices. The filing party will no longer receive a “Notice of Electronic Filing” from the System nor will they receive notice by first class mail.

5. Notices required to be provided by the Clerk are now sent to “Registered CM/ECF E-Filers” both electronically through the Case Management/Electronic Case Files (“CM/ECF”) System and in a redundant paper mode through the Bankruptcy Noticing Center (“BNC”). The Court has observed that (a) many attorneys e-filing papers through CM/ECF have indicated that receipt of the redundant paper notices is burdensome, wasteful, and unnecessary, (b) the cost for producing and mailing redundant paper notices through the BNC is an unnecessary budgetary expenditure that should be avoided, and (c) Fed. R. Bankr. P. 9036 has been amended to eliminate the electronic return receipt requirement effective December 1, 2005.

The Clerk will discontinue the practice of sending redundant paper notices to registered CM/ECF e-filers through the BNC, except for the “Notice of the Meeting of Creditors,” which will continue to be sent in paper through the BNC, and the electronic transmission of notices by the Clerk will be deemed complete upon transmission.

RULE 2002-2. NOTICES TO UNITED STATES OR FEDERAL AGENCY

A. Notice to the United States. All notices required to be served on the United States by the Federal Rules of Civil Procedure, Federal Rules of Bankruptcy Procedure, Nebraska Rules of Bankruptcy Procedure, or United States District Court Local Rules shall, in addition to any other requirements therein stated, clearly designate, when known, the department, agency, or instrumentality of the United States through which the debtor became indebted and shall be served at the address listed in Appendix “B” to these Local Rules. In all such cases, notice shall also be served on the United States Attorney’s office located in the same city in which the petition for relief has been filed.

B. United States Attorney General. If service upon the United States Attorney General is required under applicable statute or rule, the place of service shall be at the address or addresses listed in Appendix “B” to these Local Rules.

C. Notice or Reports to Internal Revenue Service. A debtor-in-possession or a trustee operating a business shall timely submit to the Area Director of the Internal Revenue Service, at the address listed on Appendix “B” to these Local Rules, a copy of each report submitted to the United States Trustee. *See Neb. R. Bankr. P. 4002-1(A)* for federal tax returns.

RULE 2002-3. UNITED STATES AS A CREDITOR OR PARTY

A. Departments, Agencies, and Instrumentalities of the United States. If one or more of the following departments, agencies, or instrumentalities of the United States is a creditor, the schedule of liabilities and Matrix shall list such department(s) or agency(ies) at the address indicated on Appendix “B” to these Local Rules. In the event that one of the following departments or agencies changes its address, such department or agency must notify the Clerk of such change in address and make a specific request that the Appendix be changed:

1. Department of Agriculture (for Commodity Credit Corporation and Farm Service Agency also list the Directors as set forth in Appendix “B”).
 - a. Commodity Credit Corporation (“CCC”).
 - b. Farm Service Agency (“FSA”).
2. Department of Education.
3. Department of Health and Human Services (“HHS”).
4. Department of Housing and Urban (“HUD”).
5. Internal Revenue Service (“IRS”).

6. United Postal Service (“USPS”).
7. Small Business Administration (“SBA”).
8. Veterans Administration (“VA”).

B. United States Attorney’s Office. In all cases in which any department, agency, or instrumentality of the United States is a creditor, the schedule of creditors and Matrix shall also list the United States Attorney’s office located in the city in which the petition for relief has been filed, at the address listed in Appendix “B” to these Local Rules.

RULE 2002-4. NOTICE OF PREFERRED ADDRESSES UNDER 11 U.S.C. § 342(e)-(f) AND NATIONAL CREDITOR REGISTER SERVICE

A. Notwithstanding Rule 2002(g)(1)-(3), an entity and a notice provider may agree that when the notice provider is directed by the Court to give a notice to that entity, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the notice provider. That address is conclusively presumed to be a proper address for the notice. The notice provider’s failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

1. The filing of a notice of preferred address pursuant to 11 U.S.C. § 342(f) by a creditor directly with the entity that provides noticing services for the Bankruptcy Courts will constitute the filing of such a notice with the Court.

2. Registration with the National Creditor Registration Service must be accomplished through the entity that provides noticing services for the Bankruptcy Courts. Forms and registration information are available at www.ncrsuscourts.com.

3. A model local form for use by creditors in filing notice of preferred address under 11 U.S.C. § 342(e) is available on the Court’s website at www.neb.uscourts.gov.

RULE 2003-1. MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS

A. Location of § 341 Meeting. The United States Trustee shall determine the location of § 341 first meetings of creditors. The location is determined by the county of the residence of the debtor. Appendix “D” sets forth the locations of the § 341 meetings for Chapter 7 cases. Appendix “E” sets forth the locations of the § 341 meetings for Chapter 11, 12, and 13 cases.

B. Change in Location of § 341 Meeting. As a general policy, the location of the § 341 meeting will not be changed. In exceptional circumstances, the United States Trustee will consider requests for changes in location of the meeting.

RULE 2014-1. EMPLOYMENT OF PROFESSIONALS

A. Definition. The term “professionals” shall include, but is not limited to, attorneys, accountants, appraisers, auctioneers, investigators, consultants, investment bankers, real estate and other brokers and agents, and other similar persons or entities retained to perform services in connection with a bankruptcy case.

B. Applications to Retain Professionals. No hearing on the application shall be required unless requested by the United States Trustee **and shall not be approved until 21 days after the filing of the petition.**

C. Debtor’s Counsel. Unless the debtor’s counsel is paid from property of the bankruptcy estate, counsel for the debtor in a Chapter 7 case may be retained by the debtor without Court approval. Every attorney for a debtor must disclose fees, regardless of source, pursuant to Fed. R. Bankr. P. 2016(b).

RULE 2015-1. TRUSTEES - GENERAL

Trustee’s Duty to Pay Costs. Prior to the closing of the case, the standing trustee, the panel trustee, or debtor-in-possession, if no trustee is appointed, shall pay from estate property all fees and other costs incurred by the Clerk.

RULE 2016-1. COMPENSATION OF PROFESSIONALS

A. Fee Applications.

1. **Mandatory Application.** Applications for allowance of compensation for services and reimbursement of expenses shall be filed when Court approval of compensation is required under 11 U.S.C. § 330. Except in Chapter 7 cases, a fee application must also be filed if the debtor’s attorney received a pre-petition bankruptcy retainer or payment from property of the debtor, or from property of a person or entity other than the debtor. In the case of a pre-petition retainer or payment, and except in Chapter 7 cases, the fee application shall be filed even if no further compensation is sought in connection with the bankruptcy case.

2. **Time to File.** Professionals seeking compensation and reimbursement of expenses from property of the estate shall file an application for allowance of fees and expenses. All applications by professionals for compensation and reimbursement of expenses from property of the estate shall be filed with the Clerk before the case is closed. If a trustee has been appointed in the case, the trustee shall give all professionals, retained by the debtor with Court approval, **14** days notice of the trustee’s intention to file the final report and account so as to provide such professional with an opportunity to file an application before the notice of hearing on the trustee’s final report and account. In any case in which interim compensation has been approved, the professional for whom interim compensation was approved must file a final fee application.

3. Contents. Unless otherwise ordered, a time summary exhibit, constructed from contemporaneously kept time records, shall be attached to all fee applications. The exhibit shall state the dates, the number of hours spent and estimated to be spent in the future to tenths of an hour on particular tasks, a concise statement of the task, the identity of the individual performing the work, the relationship of the service to the estate, and the value thereof. If the application seeks compensation for future services, the exhibit shall also state an estimate of the number of hours to be expended in future services. All fee applications shall disclose all fees paid to the applicant, including pre-petition payments for services rendered or to be rendered in connection with the case. The description of legal services and expenses shall also include services and expenses to be compensated from pre-petition retainer, if any.

4. Chapter 13 Fee Applications. A fee application of the debtor's counsel seeking less than an amount established from time to time by the Bankruptcy Judges is not required to set forth all of the information listed in subsection 3 above, and shall be sufficient if the application states the total number of hours expended on services, with a general description of the services rendered. A fee application in the form set forth in Appendix "F" shall be sufficient.

In Chapter 13 cases, counsel for the debtor, without filing a fee application, may include in the Chapter 13 plan a request for the maximum allowance of fees and expenses referenced in Appendix "N." The amount of fees and anticipated expenses specified in the plan shall be deemed allowed upon confirmation of the plan.

B. Disclosure of Compensation. Every professional, whether or not the professional applies for compensation, shall file with the Court within 14 days after employment, a Statement of Compensation paid or agreed to be paid, if such payment or agreement was made after one year before the date of the filing of the petition. The Statement of Compensation shall disclose the source of such compensation paid or agreed to be paid. A supplemental statement shall be filed within 14 days after receipt of any payment not previously disclosed.

C. Compliance with Neb. R. Bankr. P. 9013-1. Applications by professionals for compensation and reimbursement of expenses shall be filed and served pursuant to the provisions of Neb. R. Bankr. P. 9013-1.

D. Order. If no resistance is filed to applications for compensation and reimbursement of expenses, the Court will enter an order.

RULE 2017-1. EXAMINATION OF THE DEBTOR'S TRANSACTIONS WITH PROFESSIONALS

A. Payment or Transfer to Professional Before Commencement of Case. On motion by any party-in-interest or on the Court's own initiative, the Court, after notice and a hearing, may determine whether any direct or indirect payment of money or any transfer of property within one

year before the date of the filing of the petition to a professional for services rendered or to be rendered is excessive.

B. Payment or Transfer to Professional After Commencement of Case. On motion by any party-in-interest or on the Court's own initiative, the Court, after notice and a hearing, may determine whether any direct or indirect payment of money, or any transfer of property, or any agreement thereof, to a professional after commencement of the case is excessive.

C. Excessive Payments. If the Court determines a payment to a professional is excessive, the Court may order the return of the excessive payment to the estate or the entity that made such payment.

RULE 2080-1. CHAPTER 9

A. Notices, Claims Bar Date, List of Creditors, Fees.

1. Notices.

- a. After the filing of a petition under Chapter 9 of the Bankruptcy Code, the Clerk's office shall serve on the attorney for the debtor, "Notice of Commencement of Case Under Chapter 9, Notice of Automatic Stay, Notice of Time for Filing Resistances to the Petition, Order for Relief, Notice of Time for Filing Proofs of Claims and Related Orders Combined with Notice Thereof" (the "Chapter 9 Notice"). The Chapter 9 Notice shall conform to Neb. Official Form 9-1 which is set forth in Appendix "I." The debtor shall immediately serve a copy of the Chapter 9 Notice on all parties in interest. The debtor shall file with the Court proof of service of the Chapter 9 Notice at least **seven** days before the last date for filing of resistance to the petition.
- b. All notices required by subdivisions (a)(2), (3), and (7) of Fed. R. Bankr. P. 2002 shall be served on the committee(s) or their authorized agents and to the creditors who file with the Court a request that all notices be served on them.

2. Claims Bar Date. If the debtor applies for a claims bar date in the petition and such application is granted, the established claims bar date shall be included in the Chapter 9 Notice.

3. List of Creditors. The list of creditors required by 11 U.S.C. § 924 shall be filed within **14** days of the petition date unless otherwise ordered. The list shall include the name and address of the creditor, the amount of the claim, and whether the claim is disputed, contingent, or unliquidated.

4. Fees. To enable the Court to determine administrative expenses allowable under 11 U.S.C. § 503(b) and priorities under 11 U.S.C. § 507(a) and reasonableness of such

expenses under 11 U.S.C. § 943(b)(3), the debtor shall disclose a detailed good faith estimate of such fees and expenses in the disclosure statement and the plan.

B. Publications.

1. Unless otherwise requested by the debtor in the petition and ordered by the Court after notice and hearing, all publications required pursuant to 11 U.S.C. § 923 shall be made in *The Wall Street Journal*, *Lincoln Journal Star* and the *Omaha World Herald*. The debtor shall file with the Court proofs of publication not later than 14 days after the last publication.

2. After a petition is filed, the debtor shall immediately cause to be published the notice of the commencement of the case and notice of the order of relief as required by 11 U.S.C. § 923. The last date of the publication of such notice shall be not less than 14 days prior to the last day to file resistances to the petition.

C. Resistances to Petition and Order for Relief. Resistances to the petition may be filed by a party-in-interest not later than 45 days after the service of the Chapter 9 Notice to all creditors, special taxpayers, and other parties in interest. Resistances shall be filed with the Clerk and served on the attorney for the debtor. All resistances shall state the facts and legal authorities in support of such resistance. If a timely resistance to the petition is filed with the Court, the Court will schedule a hearing and order the resisting party to give proper notice to all parties in interest of the hearing on the resistance.

D. Plan of Adjustment and Disclosure Statement.

1. The Plan of Adjustment and Disclosure Statement shall be filed not later than 90 days after the creditors' committee is appointed. The Court may extend such time for good cause shown.

2. The requirements of Fed. R. Bankr. P. 2002(b) apply to the Disclosure Statement and Plan of Adjustment, except with regard to pre-approved plans. See Neb. R. Bankr. P. 2080-1(E).

E. Pre-Approved Plans. If the debtor is proposing a Plan of Adjustment which was accepted by more than two-thirds in amount and one-half in number of the creditors prior to the filing of the petition, then the debtor's petition shall also include a request for consolidated hearing to consider resistances to the petition, resistances to the adequacy of the disclosure made pursuant to 11 U.S.C. § 1126(b)(2), and resistances to the confirmation of the plan. If the request is approved, the notice and service requirements of Neb. R. Bankr. P. 9013-1 apply.

PART III. CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

RULE 3002-1. FILING PROOF OF CLAIM

A. General. The original proof of claim with attachments shall be filed with the Clerk in all chapters.

B. Chapter 12 and Chapter 13. A proof of claim filed in a Chapter 12 or 13 case shall be accompanied by evidence that any security interest claimed has been perfected. *See* Fed. R. Bankr. P. 3001(d). All creditors, including secured creditors, shall file proofs of claim in Chapter 12 and Chapter 13 proceedings within the time limit specified in Fed. R. Bankr. P. 3002(c). The claimant shall serve a paper copy of the claim and exhibits to the Chapter 12 and counsel for the debtor.

RULE 3007-1. CLAIMS - OBJECTIONS

A. Content. The caption of all objections to claims shall identify the claimant (e.g., Objection to Claim of XYZ Co.) and claim number. The objecting party has the burden of overcoming the presumption afforded by Fed. R. Bankr. P. 3001(f). If the objecting party relies on facts not established by the proof of claim, an affidavit or declaration shall be filed and served with the objection. Objections to claims shall be filed and served in compliance with Neb. R. Bankr. P. 9013-1 and shall state with particularity:

1. The proof of claim by filing date, creditor and amount, or in some other specific manner (Note: reference to a proof of claim number without the claimant's name will not be deemed sufficient notice);

2. The specific ground(s) upon which the objection is made; and

3. The proposed treatment of the claim with a specific dollar amount.

B. Transfer or Assignment of Claim. The party filer must serve all transfers or assignments of claim on the Chapter 12 or Chapter 13 Trustee, the attorney for the debtor or debtor-in-possession, and attorney for each official committee, if any. The Clerk will comply with Fed. R. Bankr. P. 3001(E)(2). **Transferee will be substituted for the transferor at the time of filing, unless a timely objection is filed with the Court.**

C. Chapter 13 Procedures.

1. Pursuant to Fed. R. Bankr. P. 3007, the Chapter 13 Trustee may object to any claim filed. If the trustee does not object to the claim, the trustee will then file a notice concerning allowance of such claim after the expiration of 90 days from and after the first date set for the

meeting of creditors, pursuant to 11 U.S.C. § 341(a). Within **seven** days from the date of the notice concerning allowance of claims, the trustee shall serve the notice upon the debtor and the debtor's attorney. Within 30 days from the date of the notice, the debtor may object to the allowance of a claim as set forth in the trustee's notice. If the debtor does not file an objection to trustee's notice to allow claims within the time period required, the claims shall be deemed allowed as provided in the notice.

2. An objection to the allowance of claim shall be filed and served upon the Chapter 13 Trustee, the claimant and counsel for the claimant pursuant to Neb. R. Bankr. P. 9013-1.

D. Chapter 7 Procedures.

1. A Chapter 7 Trustee may object to claims as part of the trustee's final report. The trustee will attach a report on claims to the final report, making recommendations as to the status of each claim.

2. An objection to the allowance of a claim and the trustee's final report shall be filed and served upon the Chapter 7 Trustee, claimant, and counsel for the claimant pursuant to Neb. R. Bankr. P. 9013-1.

E. Order. If no resistance to the objection to claim is filed pursuant to Neb. R. Bankr. P. 9013-1, the Court will enter an order.

RULE 3011-1. REQUESTS FOR PAYMENT OF UNCLAIMED FUNDS

All Requests for Payment of Unclaimed Funds, which have been deposited with the Court pursuant to 11 U.S.C. § 347(a), Fed. R. Bankr. P. 3010 or Fed. R. Bankr. P. 3011, shall be filed with the Clerk. All such requests shall be made in accordance with the procedures established by the Court which are available in the Clerk's office and on the Court's website at www.neb.uscourts.gov.

RULE 3015-1. CHAPTER 12 - GENERAL

A. Plan Confirmation Requirements. The Court shall confirm a plan only if the plan provides a basis for determining whether the requirements of 11 U.S.C. § 1225(a)(4) and (b) have been met. The requirements of §§ 1225(a)(4), 1225(a)(5)(b)-(c), and 1225(a)(6)-(7) shall be deemed not satisfied if a plan does not contain at least the following information:

1. A statement disclosing any change of the debtor's assets or liabilities from the date of filing of the petition through the date of the filing of the plan.

2. A cash-flow projection for the year immediately following confirmation of the proposed plan, including and identifying the debtor's farm and non-farm income sources.

3. Assumptions and sources upon which the cash-flow projection is based, with historical or other data justifying such assumptions.

4. Farm income and expense information in a form comparable to Internal Revenue Code Schedule F forms filed by the debtor for the previous four years plus a statement of the debtor's non-farm income for the tax year preceding the filing of the motion.

5. Projected administrative expenses, including attorney fees.

6. A plan summary indicating the dates, amounts, and payees of all amounts to be paid under the plan as provided by the Chapter 12 Trustee.

7. If the plan proposes the sale of assets, a statement from a qualified tax accountant or attorney, setting forth the probable tax consequences thereof.

8. The basis of any valuation of property, including names of appraisers and dates of appraisal, if any.

9. A statement with detailed information, specifying the need for the plan payments to be made over a period longer than three years.

10. If the debtor proposes to retain secured property, a statement itemizing such property, the value of the property, and the basis of the valuation estimate.

11. A liquidation analysis sufficient to show compliance with 11 U.S.C. § 1225(a)(4), including a statement from a qualified tax accountant or attorney as to tax liabilities from liquidation, if any.

12. A projected disposable income statement for the term of the plan.

13. In the event the debtor asserts that certain taxes are to be treated as general unsecured claims under 11 U.S.C. § 1222(a)(2)(A), the debtor shall provide to the affected governmental units copies of the debtor's complete tax returns for the three years prior to the filing for Chapter 12 relief.

14. The debtor has paid all amounts that are required under a domestic support obligation and that first become payable after the date of the filing of the petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation.

15. In a Chapter 12 case, the debtor must file the certification of payment of domestic support obligations ([Appendix "K"](#)) with the Court at least seven days prior to the expiration of the Objection to Confirmation deadline. A certification must be filed prior to confirmation of all original plans and all amended plans and all post-confirmation amended plans.

If the certification is not filed with the Court, the confirmation or approval may be denied. The certification should not be filed before the applicable plan is filed.

Whether a Chapter 12 plan provides for payments to be made to creditors directly or through the Chapter 12 Standing Trustee, the debtor shall pay to the Chapter 12 Standing Trustee a fee, for each year of the plan, which shall be the lesser of the percentage of all payments under the plan set by the Attorney General or his/her delegate from time to time pursuant to the requirements of 28 U.S.C. § 586(e), or the dollar amount established by the Court. Chapter 12 Standing Trustee fees allowed are set forth in Appendix “J.”

B. Resistance to Plan. When the Chapter 12 plan is filed, the Court will schedule it for hearing. All resistances to the plan will be heard at the confirmation hearing.

C. Confirmation Order. If no objection is filed to the confirmation of plan, the plan will be confirmed only upon the electronic filing by the Chapter 12 Trustee of a “Consent to Confirmation.” Such consent by the trustee is not required to be filed until the trustee receives a “Plan Summary” prepared by counsel for the debtor(s). Upon such filing by the trustee, the Court will enter an order.

D. Reports. The debtor shall serve on the Chapter 12 Trustee, within 30 days following a request thereof, such periodic or annual reports as are necessary for the trustee to comply with the provisions of 11 U.S.C. § 1231. The trustee is authorized to generate forms on which periodic or other annual reports shall be made. Upon request, the Chapter 12 Trustee or the debtor shall provide a copy of said reports to a party-in-interest. The trustee may charge a reasonable copy fee for such reports.

E. Discharge. After Motion for Discharge and Notice pursuant to Neb. R. Bankr. P. 9013-1 and upon the filing of a “Consent to Discharge” by the Chapter 12 Trustee, an order discharging the debtor(s) shall be entered. Such “consent” shall represent the trustee’s notification to the Court that all matters precedent to the discharge have been completed and no objections have been filed.

The Court shall not grant a discharge of all debts provided for in the plan or disallowed under 11 U.S.C. § 502 in a Chapter 12 case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation unless such the debtor certifies that all amounts payable under such order or such statute that are due on or before the date of said certification have been paid as referenced in 11 U.S.C. § 1228(a).

Therefore, prior to the expiration of the 9013-1 deadline on the Motion for Discharge, the debtor(s) must file the Certification by Debtor in Support of Discharge Regarding Payment of Domestic Support Obligations (Appendix “O”) with the Court or the case may be closed without a discharge. In such event, a Motion to Reopen (with payment of the full filing fee) may be needed to permit filing of the certificate.

F. Tax Returns. Debtors operating under a confirmed plan must file post-petition tax returns, both state and federal, and pay post-petition taxes, both state and federal, on a timely basis. Debtor(s) shall comply with all requirements of Title 26 of the United States Code or applicable state tax code. Failure to file post-petition federal or state tax returns or failure to timely pay post-petition federal or state tax liabilities, in the manner prescribed by Title 26, or applicable state law, absent a showing of good cause, may be considered a material default of a confirmed plan. All post-petition federal and state tax returns and all post-petition federal and state tax liabilities are included in this paragraph, including returns or liabilities for which the debtor(s) is/are responsible parties under 26 U.S.C. § 6672 or similar state laws.

RULE 3015-2. CHAPTER 13 - GENERAL

A. Form. Chapter 13 plans shall be in substantial conformity with Appendix “G.” Chapter 13 plans and amended plans are governed by Neb. R. Bankr. P. 9013-1 and are treated as a “Motion” under that Rule.

B. Timely Filing of Plan, Schedules, and Statement of Affairs. The Chapter 13 plan, schedules, and statement of affairs must be filed within the time authorized by the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure. If these required documents are not timely filed, and no motion for an extension of time has been filed, the Chapter 13 Trustee, with authorization from the United States Trustee, **will file a Notification of Debtor’s Failure to Comply** and the case will be dismissed without further notice or hearing. Fed. R. Bankr. P. 1007(c), 3015(b), 11 U.S.C. § 1307(c)(9).

C. Plan Filed with the Petition. If the plan is filed with the petition, counsel for the debtor shall serve the plan, with a resistance date of 14 days after the conclusion of the “Meeting of Creditors.” Counsel will not have the exact date of the “Meeting of Creditors” when the petition and plan are filed. Therefore, the notice may state: “Any resistance to the plan must be filed no later than 14 days after the conclusion of the “Meeting of Creditors.”

D. Plan Not Filed with the Petition. If the plan is not filed with the petition, it shall be filed and served, with appropriate resistance date. No resistance date required under Neb. R. Bankr. P. 9013-1 shall be set for a date earlier than 14 days after the conclusion of the “Meeting of Creditors.”

E. Pre-confirmation Adequate Protection and Lease Payments. The Chapter 13 plan shall provide that § 1326(a)(1) pre-confirmation adequate protection and lease payments are to be paid in the plan and through the Chapter 13 Trustee. The plan shall list the creditor name, address, last four digits of the account number, payment due date, and payment amount for each creditor receiving § 1326(a)(1) pre-confirmation adequate protection or lease payments. The debtor must immediately commence plan payments to the trustee for the amounts necessary to pay these pre-confirmation payments plus statutory trustee’s fees. The debtor shall not reduce plan payments to

the trustee under § 1326(a)(1)(B) and (C) without an order of the Court. A creditor may file a motion requesting a change in the amount of the § 1326(a)(1) pre-confirmation payments pursuant to § 1326(a)(3). Until the creditor's motion is resolved, the Chapter 13 Trustee shall continue to make the payments proposed to such creditor as set forth in the plan.

1. The Chapter 13 Trustee is authorized to pay § 1326(a)(1) pre-confirmation payments set forth in the proposed plan without entry of an order of the Court. No payments shall be made to a creditor until a proof of claim is filed. Pre-confirmation payments shall be made to the creditors within 30 days of the filing of the proof of claim unless sufficient funds have not been paid by the debtor to the trustee in order to make such payments within seven working days prior to the end of such 30-day period. The Chapter 13 Trustee is authorized to deduct from an allowed claim, as of the date of payment, each § 1326(a)(3) pre-confirmation payment made by the trustee.

2. If a creditor obtains an order for payments under § 1326(a)(3) and the case is dismissed prior to confirmation, the creditor shall receive from the trustee any payments due and owing upon dismissal of the case from funds collected by the trustee under § 1326(a)(1)(A) less statutory trustee fees and allowed § 503(b) claims including the debtor's attorney fees.

F. Confirmation. If a timely resistance/objection is filed, a confirmation hearing shall be scheduled. Such confirmation hearing shall not be scheduled prior to the conclusion of the Meeting of Creditors. If no timely objection to confirmation is filed, the Clerk shall enter a text-only order confirming the plan as filed. If counsel for the debtor, after consultation with the trustee or a creditor, desires a specific order with language agreed to by the parties, counsel shall notify the Courtroom Department, by email or telephone, and request permission to submit such an order. All confirmation orders submitted shall be in conformity with Appendix "H." No confirmation order shall be entered before the Meeting of Creditors has been concluded.

G. Objection to Confirmation.

1. If a timely objection to confirmation is filed, the debtor has 14 days after the objection to confirmation deadline to file a response with the Court. All responses shall set forth specific factual and legal details and conclude with a request for relief. Any response that fails to include specific factual and legal details will not be considered. Upon filing of the debtor's response to the objection to confirmation, the Court, at its discretion, may schedule a confirmation hearing or rule without further notice or hearing.

- a. If the debtor fails to file a timely response to the objection to confirmation or files a response that lacks specific factual and legal details, the Court will enter an order sustaining the objection and denying confirmation of the debtor's plan, and the debtor will be ordered to file an amended plan in 21 days.

- b. If the objection to confirmation is settled, the parties must notify the Courtroom Department of the settlement or file an amended plan, prior to the expiration of the debtor's response deadline.

2. In a Chapter 13 case, the debtor must file the certification of payment of domestic support obligations ([Appendix "K"](#)) with the Court at least seven days prior to the expiration of the Objection to Confirmation deadline. A certification must be filed prior to confirmation of all original plans, all amended plans, and all post-confirmation amended plans. If the certification is not filed with the Court, the confirmation or approval may be denied. The certification should not be filed before the applicable plan is filed.

3. If no timely objections to confirmation are filed, the Clerk shall enter a text-only order confirming the plan.

4. If counsel for the debtor, after consultation with the trustee or a creditor, desires specific order language, agreed to by the parties, counsel shall notify the Courtroom Department, by email or telephone, and request permission to submit such an order. All confirmation orders submitted shall be in conformity with the Local Rules.

H. Extension of Time to File Plan. If an extension of time to file a plan is granted and the plan is not filed and noticed at least 14 days prior to the first date set for the Meeting of Creditors, the Chapter 13 Trustee will continue the Meeting of Creditors. Notice of the rescheduled meeting of creditors shall be sent by counsel for the debtor to all creditors and parties requesting notice and a certificate of service shall be filed with the Court. If the plan is not filed at least 14 days prior to the second date set for the Meeting of Creditors, the Chapter 13 Trustee, with authorization from the United States Trustee, will file a Notification of Debtor's Failure to Comply and the case will be dismissed without further notice or hearing.

I. Tax Returns. Debtors operating under a confirmed plan must file post-petition tax returns, both state and federal, and pay post-petition taxes, both state and federal, on a timely basis. Debtor(s) shall comply with all requirements of Title 26 of the United States Code or applicable state tax code. Failure to file post-petition federal or state tax returns or failure to timely pay post-petition federal or state tax liabilities, in the manner prescribed by Title 26, or applicable state law, absent a showing of good cause, may be considered a material default of a confirmed plan. All post-petition federal and state tax returns and all post-petition federal and state tax liabilities are included in this paragraph, including returns or liabilities for which the debtor(s) is/are responsible parties under 26 U.S.C. § 6672 or similar state laws.

J. Suspension of Payment. A motion to suspend payments to the trustee, whether a plan has been confirmed or not, may be served on parties in interest with the appropriate resistance date required by Neb. R. Bankr. P. 9013-1. If no resistance is filed, a text-only order granting the motion may be entered at the Court's discretion.

K. Employer Deduction. To enhance the likelihood that a debtor will successfully complete a plan, each plan shall provide for an employer wage deduction and transmission to the Chapter 13 Trustee unless the debtor, through counsel, files a detailed motion concerning the reason the debtor does not desire an employer deduction. Such motion shall be served upon the trustee, with an appropriate resistance date required by Neb. R. Bankr. P. 9013-1. If the trustee does not object, the motion will be granted by a text-only order in the electronic docketing system. If the trustee objects, a hearing shall be scheduled.

L. Motion to Reinstate. The Court may use its discretion, but generally no more than one motion to reinstate a dismissed case shall be granted. A motion to reinstate a dismissed case must include a detailed explanation concerning the cause of the dismissal and the proposed cure of such cause, must be filed no later than 14 days after the dismissal order is entered and served on all parties in interest with the appropriate resistance date required by Neb. R. Bankr. P. 9013-1. Failure to file such motion within 14 days from the date of the dismissal shall result in denial of the late-filed motion, without a hearing.

M. Employment of Attorney for the Debtor. No application for appointment as attorney for a Chapter 13 debtor is required.

N. Discharge. Within 14 days after the trustee files the “Certificate of Final Payment,” the debtor(s) must file the Certification by Debtor in Support of Discharge Regarding (1) Payment of Domestic Support Obligations and (2) Discharge in Prior Cases ([Appendix “P”](#)) with the Court or the case may be closed without a discharge. In such an event, a Motion to Reopen (with payment of the full filing fee) shall be required to permit filing of the certificate and entry of the discharge.

RULE 3015-3. CHAPTER 13 - AMENDMENTS TO PLANS

A Chapter 13 plan may not be withdrawn. Such plan may be superseded by a subsequently-filed amended plan. If an amended plan is filed, pre-confirmation or post-confirmation, it must be served, with appropriate resistance date, pursuant to Neb. R. Bankr. P. 9013-1. No resistance date required under Neb. R. Bankr. P. 9013-1 shall be set for a date earlier than 14 days after the conclusion of the “Meeting of Creditors.” If an amended plan is filed while there are objections pending to a previously-filed plan, whether or not a hearing has been scheduled, counsel for the debtor is required to notify those parties that have filed objections that an amended plan has been filed and that no further action will be taken on the previously-filed plan.

RULE 3015-4. CHAPTER 13 - DISMISSAL OF CASE UPON PAYMENT DEFAULT

A. Notice of Payment Default. The Chapter 13 Trustee may provide a debtor with Notice of Payment Default and file the Notice of Payment Default and proof of service with the Clerk. The notice shall state the amount of the existing payment default and the date on which the next scheduled payment is due under the proposed plan or confirmed plan. The notice shall further state that under this Local Rule, the bankruptcy case will be dismissed upon the filing of a

declaration by the Chapter 13 Trustee unless, within 21 days after the date of the Notice of Payment Default, the debtor either cures the payment default and makes all payments due before expiration of the 21-day period or makes other arrangements satisfactory to the trustee. The Notice of Payment Default shall state the specific calendar date by which the payment default must be cured.

B. Cure Default. Within 21 days of the mailing of a Notice of Payment Default, the debtor shall either:

1. Cure existing payment defaults and make all payments due before expiration of the 21-day period; or

2. If the debtor disputes the existence of the payment default, the debtor shall file a request with the Clerk that the Notice of Payment Default be set for hearing. If the request sets forth facts in support of specific allegations of good cause, the Clerk shall schedule the Notice of Payment Default for hearing upon affidavit evidence. At the hearing, the debtor shall be prepared to provide evidence that all plan payments have been made to the trustee and that a default does not exist. If the request does not set forth genuine facts disputing the default, the Court will take no action on the request for hearing. The filing of a contested matter by the debtor, such as an amended or modified plan or motion to suspend payments, shall not constitute a dispute as to the existence of the default and shall not, alone, preclude dismissal of the case.

No action will be taken by the Court on a request for hearing that is simply seeking additional time to cure a payment default or to take other action. If the debtor is seeking additional time to respond to a trustee's notice of payment default, the debtor shall make such request directly to the trustee rather than file a request for hearing with the Clerk.

C. Dismissal Upon Payment Default Upon Declaration of the Chapter 13 Trustee. A Chapter 13 case shall be dismissed upon the filing of a declaration by the Chapter 13 Trustee establishing that Notice of Payment Default was provided to the debtor and the debtor's counsel and that the debtor did not timely cure the payment default or take other curative action satisfactory to the trustee. The declaration shall state that the Chapter 13 Trustee has complied with this Local Rule, has served the Notice of Payment Default on the debtor and the debtor's counsel, that the debtor has not timely cured the payment defaults, and that the case should be dismissed.

RULE 3017-1. DISCLOSURE STATEMENT IN A SMALL BUSINESS CASE

A. Conditional Approval of Disclosure Statement. If the debtor is a small business and has made a timely election to be a small business in a Chapter 11 case, the Court may, on motion and submission of proposed order of the plan proponent, conditionally approve a disclosure statement filed in accordance with Fed. R. Bankr. P. 3016(b).

RULE 3020-1. CONFIRMATION - CHAPTERS 9, 11, AND 12

A. Uncontested Confirmation Orders.

1. General. The Court will not confirm an uncontested plan unless the proponent of the plan submits the following:

- a. Declaration establishing that the plan was filed in good faith;
- b. Declaration establishing facts requisite to confirmation including a summary of balloting in Chapter 11 cases;
- c. Statement of counsel that the plan complies with applicable legal requirements for confirmation; and
- d. A proposed confirmation order.

2. Deemed Submitted. If, in a Chapter 12 case, the requirements of Neb. R. Bankr. P. 9013-1, and if, in a Chapter 9 or 11 case, the requirements of Fed. R. Bankr. P. 2002(b)(2), and subsection A.1. of this Rule are complied with, the Court shall consider such submission as meeting the requirement that a hearing be held and no further hearing shall be scheduled. The Court will then consider entry of the confirmation order without further notice.

B. Payment of United States Trustee Fees in Chapter 11 Cases. Unless otherwise ordered by the Court, all quarterly fees payable to the United States Trustee under 28 U.S.C. § 1930(a)(6) shall be paid on or before the effective date of the plan. All Chapter 11 plans shall provide that the debtor will pay post-confirmation quarterly fees to the United States Trustee when due, as required by 28 U.S.C. § 1930(a)(6).

RULE 3023-1. FORMULA FOR DETERMINING VALUE, AS OF THE EFFECTIVE DATE OF THE PLAN, FOR USE IN CHAPTERS 9, 11, 12, AND 13

A. Introduction. Since the 1987 decision *In the Matter of Wichmann*, 77 B.R. 718 (Bankr. D. Neb. 1987), *aff'd*, Neb. Bkr. 88:303 (D. Neb. June 9, 1988), the interest rate (discount rate) used for determining value as of the effective date of a plan, for confirmation purposes, has been calculated by the “Wichmann” formula. The formula approach has been approved by the United States Supreme Court in *Till v. SCS Credit Corp.*, 124 S. Ct. 1951, 158 L. Ed. 2d 787 (2004). It is now appropriate to include a standard formula in the Local Rules.

B. Formula. Whenever the Court is required to determine the value, as of the effective date of a plan, of property to be distributed under a plan for any confirmation purposes, there is a presumption that the appropriate interest rate shall equal the national average of the prime rate as published in *The Wall Street Journal* on the last day prior to the confirmation hearing, stated as a simple interest rate per annum, plus two percentage points. If the creditor desires a different interest rate, it must specifically object to confirmation based upon inadequacy of the interest rate and shall

have the burden of proof by a preponderance of the evidence on the appropriate rate of interest, which issue shall be considered at the confirmation hearing. Consistent with the plan in Appendix “G,” a Chapter 13 plan shall contain the specific interest rate proposed to be paid to a creditor.

RULE 3057-1. CRIMINAL REFERRALS

A. The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 created a new § 158 to Title 18 of the United States Code. This section requires the designation of both United States attorneys and agents of the Federal Bureau of Investigation to address abuse and fraud in bankruptcy schedules. In addition, § 158 requires that all bankruptcy courts establish procedures for referring any case that may contain a materially fraudulent statement in a bankruptcy schedule to the designated agents of the United States Attorney and Federal Bureau of Investigation.

B. To comply with the Court’s requirement, the following procedures have been adopted with the consent of the Court:

1. This procedure is promulgated pursuant to 18 U.S.C. § 158(d).
2. In the event that a Judge of this Court determines that a bankruptcy schedule or statement filed in a case may contain a materially fraudulent statement, the presiding Judge will send a referral letter and/or the attached Notification Statement, together with copies of relevant documents, to the Chief Deputy or Deputy-in-Charge.
3. The Chief Deputy or Deputy-in-Charge will make a copy of the Notice for the file and record-keeping purposes and will transmit the notice to individual(s) designated by the Attorney General in accordance with 18 U.S.C. § 158.
4. The presiding Bankruptcy Judge may elect to first transmit the referral to the United States Trustee for further investigation and review. The United States Trustee may elect to make a referral, based upon the further investigation, in which case the referral must be sent to the individuals specified in subparagraph 3 of this Rule. In addition, a copy of the criminal referral must also be sent to the Administrative Office of the **United States Courts**.
5. This procedure will also apply to criminal referrals pursuant to 18 U.S.C. § 3057.

PART IV. THE DEBTOR: DUTIES AND BENEFITS

RULE 4001-1. AUTOMATIC STAY - RELIEF FROM

A. General. A motion for relief from the automatic stay under 11 U.S.C. § 362 shall bear the caption “Motion for Relief From the Automatic Stay.” Proceedings for relief from the automatic stay shall conform to the requirements of Fed. R. Bankr. P. 4001(a)(1) as supplemented

by this Local Rule. **This procedure is different from, and not governed by, Neb. R. Bankr. P. 9013-1.**

B. Co-Debtor Stay. Motions for relief pursuant to 11 U.S.C. §§ 1201 or 1301 shall contain the caption “Motion for Relief From Co-debtor Stay.” The motion shall specifically identify the co-debtor and the amount of the debt.

A motion for relief from the co-debtor stay of §§ 1201 and 1301 shall proceed pursuant to Neb. R. Bankr. P. 9013-1, provided that the 21-day notice period shall commence to run on the date the motion is filed with the Clerk.

C. Hearing. Upon the filing of a motion for relief from the automatic stay, the Clerk shall (1) set a date by which resistances must be filed; (2) schedule the matter for a final hearing to take place within 30 days in conformity with Fed. R. Bankr. P. 4001; and (3) provide notice thereof to the moving party. The hearing may be treated as a preliminary hearing pursuant to 11 U.S.C. § 362(e) if the Court so elects. Unless otherwise ordered, the hearing will be upon affidavits or declarations and documentary evidence. Unless otherwise ordered, oral arguments will be scheduled in the courtroom or by telephone conference.

D. Notice. The moving party shall serve notice of the motion for relief from the automatic stay in the manner prescribed in Fed. R. Bankr. P. 7004 upon the debtor and the debtor’s attorney, if any, and those parties specifically designated in Fed. R. Bankr. P. 4001(a)(1). In all cases in which a trustee has been appointed, the trustee or interim trustee shall be named and served as an additional responding party. The moving party shall immediately serve on all parties in interest the motion, proposed affidavit or declaration evidence or a detailed summary thereof, notice of the hearing date and the specific calendar date which any resistance with evidentiary summary must be filed and served. Movant must file with the Court a Certificate of Service at least five days prior to the hearing. The notice shall state that Neb. R. Bankr. P. 4001-1 applies.

1. If no timely resistance is filed, the Court will rule on the motion for relief from stay without further notice or hearing.

2. If a timely resistance is filed and served, with evidentiary material or summary, a hearing will take place as scheduled pursuant to this Local Rule, and the moving party and resisting party shall appear at the hearing.

3. Expedited Hearing. If the movant requires an earlier hearing date, movant must file a separate Motion for Expedited Hearing containing the specific date on which the 30-day period expires.

E. Relief from Stay - Applicability of Neb. R. Bankr. P. 9013-1. Motions for relief under 11 U.S.C. § 362(d) filed by a county respecting tax claims and motions to approve stipulations

or agreements which provide for relief from 11 U.S.C. § 362 may proceed under Neb. R. Bankr. P. 9013-1 upon notice and opportunity to request hearing.

F. Evidentiary Materials. Exhibits for hearings shall be filed with the Clerk in accordance with the requirements of Neb. R. Bankr. P. 9017-1. Evidence offered at the hearing shall be presented by affidavit pursuant to Neb. R. Bankr. P. 9017-1. Affidavits and exhibits shall be electronically filed with the Clerk's office at least three days prior to the hearing.

RULE 4001-2. SECTIONS 362(C)(3), 362(C)(4), AND 521(A)(6), AUTOMATIC STAY EXTENSIONS AND TERMINATIONS

A. General. Proceedings filed pursuant to 11 U.S.C. §§ 362(c)(3), 362(c)(4), and 521(a)(6) shall conform to the requirements of Fed. R. Bankr. P. 4001(a)(1) as supplemented by this Local Rule. **This procedure is different from, and not governed by, Neb. R. Bankr. P. 9013-1.**

B. Hearing. Upon the filing of the motion, the Clerk shall (1) set a date by which resistances must be filed; (2) schedule the matter for a final hearing to take place within 30 days, in conformity with Fed. R. Bankr. P. 4001; and (3) provide notice thereof to the moving party. The hearing may be treated as a preliminary hearing pursuant to 11 U.S.C. § 362(e)(1) if the Court so elects. Unless otherwise ordered, the hearing will be upon affidavits or declarations and documentary evidence. Unless otherwise ordered, oral arguments will be scheduled in the courtroom or by telephone conference.

C. Notice. The moving party shall serve notice of the motion in the manner prescribed in Fed. R. Bankr. P. 7004 upon the debtor and the debtor's attorney, if any, and all parties in interest, including, but not limited to, those parties specifically designated in Fed. R. Bankr. P. 4001(a)(1). In all cases in which a trustee has been appointed, the trustee or interim trustee shall be named and served as an additional responding party. The moving party shall immediately serve on all parties in interest the motion, proposed affidavit or declaration evidence or a detailed summary thereof, notice of the hearing date, and the specific calendar date by which any resistance with evidentiary summary must be filed and served. Movant must file with the Court a Certificate of Service at least five days prior to the resistance deadline.

1. If no timely resistance is filed, the Court may rule on the motion without further notice or hearing.

2. If a timely resistance is filed and served, with evidentiary material or summary, a hearing will take place as scheduled pursuant to this Local Rule, and the moving party and resisting party shall participate in the hearing.

3. **Expedited Hearing.** If the movant requires an earlier hearing date, movant must file a separate Motion for Expedited Hearing containing the specific date on which the 30-day period expires.

D. Evidentiary Materials. Exhibits for hearings shall be filed with the Clerk in accordance with the requirements of Neb. R. Bankr. P. 9017-1. Evidence offered at the hearing shall be presented by affidavit or declaration pursuant to Neb. R. Bankr. P. 9017-1. Affidavits or declarations and exhibits shall be electronically filed with the Clerk's office at least three days prior to the hearing.

RULE 4002-1. DEBTOR - DUTIES

A. Federal Tax Returns.

1. All original fiduciary returns (Form 1041), whether filed routinely, filed late, or if filed pursuant to 11 U.S.C. § 505(b), should be submitted to the appropriate IRS Service Center with a copy submitted to the Insolvency Function address in Appendix "B."

2. All delinquent original returns should be submitted to the Insolvency Function address on Appendix "B," unless the taxpayer is specifically advised otherwise by a representative of the Area Director.

3. When a federal tax return is filed electronically, the taxpayer shall advise the Area Director at the address of the Insolvency Function on Appendix "B," in writing, that the filing has been done electronically and shall provide a copy of the document that was submitted electronically.

4. If on the petition date the debtor had failed to timely file a tax return due pre-petition, the debtor shall file all such delinquent returns within 30 days of the petition date unless an extension of time for filing has been granted by the Court after notice and hearing pursuant to Neb. R. Bankr. P. 9013-1.

5. Except as provided in this Rule for Forms 1041, all non-delinquent original federal tax returns should be submitted to the appropriate IRS Service Center unless specifically advised otherwise by a representative of the Area Director. A copy of the return need not be provided to the Insolvency Function.

6. In all Chapter 7 and Chapter 13 cases filed on or after October 17, 2005, that copies of the federal income tax return required under applicable law (or at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a federal income tax return was filed, shall:

- a. Not be filed with the Court unless otherwise ordered;
- b. Be provided to the trustee at least seven days before the date first set for the first meeting of creditors; and

- c. Be provided to any creditor that timely requests such a copy.

B. State Tax Returns.

1. If on the petition date the debtor had failed to timely file any state tax return due pre-petition, the debtor shall file all such delinquent state tax returns within 30 days of the petition date unless an extension of time for filing has been granted by the Court after notice and hearing pursuant to Neb. R. Bankr. P. 9013-1.

2. All delinquent original Nebraska tax returns should be submitted to the Nebraska Department of Revenue address on Appendix "B" unless the taxpayer is specifically advised otherwise by a representative of the State Tax Commissioner.

C. Requests for Copy of the Debtor's Tax Information. In order to obtain access to tax information required to be filed with the Bankruptcy Court under 11 U.S.C. § 521(f), an entity must:

1. File with the Court a Request for Copy of Debtor's Tax Information, pursuant to 11 U.S.C. § 521(f), served on the debtor and the debtor's counsel, if any.

2. Once the debtor files the Tax Documents with the Court, in order to obtain access to the tax information the entity must file a Motion for Access to Tax Information which should include:

- a. A description of the movant's status in the case, which will allow the Court to ascertain whether the movant may properly be given access to the requested tax information;
- b. A description of the specific tax information sought;
- c. A statement indicating why the information cannot be obtained by the movant from any other sources; and
- d. A statement showing a demonstrated need for the tax information.

3. The Court limits notice of the Motion to Access Tax Information filed with the Court to the debtor, the debtor's attorney, if any, the trustee, and the United States Trustee. Neb. R. Bankr. P. 9013-1 applies to all motions, except those explicitly excluded by Neb. R. Bankr. P. 9013-1. In the absence of a timely objection, no hearing on the motion will be held.

4. An order granting a motion for access to tax information prohibits secondary dissemination of the information other than to the movant's attorney. Sanctions may be imposed if the tax information is improperly used, disclosed, or disseminated.

5. The Court will serve via first-class United States mail a paper copy of the tax information to the movant, upon order of the Court. The transmission of the tax information will be recorded on the Court's docket.

D. Duties of Debtors in Chapter 12 Cases.

1. Initial Notice. The debtor, at the time of filing the schedules, must also serve a copy of the Initial Notice and proof of service prior to the § 341 meeting as originally scheduled certifying that this notice, petition, schedules, and plan, if any, have been served upon all entities listed on the matrix, the United States Attorney, and the Chapter 12 Trustee. The Initial Notice must contain the following information:

- a. Name and address of the debtor or the debtors.
- b. Date Chapter 12 petition was filed.
- c. Date schedules were filed.
- d. Date of § 341 Meeting and statement that a complaint to object to discharge or dischargeability must be filed within 60 days following the date scheduled for the § 341 meeting or such objections are waived.
- e. Statement that claims may be filed and that the bar date for such filing is 90 days after the first date set for the meeting of creditors pursuant to 11 U.S.C. § 341(a).
- f. Statement that plan was filed with petition or was not so filed.
- g. If plan was filed with petition, the plan must be served with the Initial Notice.
- h. If plan was not filed with petition, a statement that the debtor will serve the plan upon all parties when the plan is filed and that the debtor will inform all parties of confirmation hearing date at the time the plan is filed.
- i. The bar date for resistances to the plan in conformance with Neb. R. Bankr. P. 9013-1.

2. Supplementary Notice. If the plan is filed after the petition and schedules are filed, the debtor shall serve the plan on all interested parties and comply with Neb. R. Bankr. P. 9013-1.

E. Duties of Debtors in Small Business Chapter 11 Cases. In all Chapter 11 small business cases, federal income tax returns shall not be filed with the Court unless otherwise ordered.

RULE 4002-2. ADDRESS OF DEBTOR

The debtor shall immediately notify counsel of any change of address during the pendency of the case and counsel shall immediately file a Notice of Change of Debtor's Address with the Court. If the debtor is not represented by counsel, the debtor shall be responsible for filing a Notice of Change of Debtor's Address with the Court. The Court will not accept oral or telephone requests for address changes.

RULE 4003-1. LIEN AVOIDANCE

A. 11 U.S.C. § 522 Lien Avoidance. A proceeding under 11 U.S.C. § 522(f) by a debtor to avoid a lien or transfer of property may be brought by motion pursuant to Neb. R. Bankr. P. 9013-1. The caption of the motion shall identify the creditor whose lien is to be avoided. The motion shall set forth the amount of the lien and the debtor's obligation secured by the lien sought to be avoided; the identity and fair market value of the property subject to said lien; the nature and amount of any other debts or obligations secured by an interest in the property; the dollar amount of the exemption; the specific statutory authority for the exemption; and the identity of any other property claimed to be exempt under said specific statute. All proceedings to avoid a lien except those under 11 U.S.C. § 522(f) shall be brought by adversary proceeding. A motion to sell free and clear of liens does not constitute a proceeding to avoid a lien within the meaning of this Local Rule and may be brought by motion.

If no resistance is timely filed pursuant to Neb. R. Bankr. P. 9013-1, the Court will enter an order.

RULE 4008-1. HEARINGS ON REAFFIRMATION AGREEMENTS

A. All Reaffirmation agreements filed with the Court must comply as follows:

1. Reaffirmation agreements filed with the Court shall be in compliance with Official Form B-240 **A/B ALT**.

2. Reaffirmation hearings may be scheduled at the Court's discretion.

B. Filing. All motions to Approve Reaffirmation Agreement and Reaffirmation Agreements must be filed as separate documents and shall not be combined in one document or filed as an attachments.

PART V. COURTS AND CLERKS

RULE 5005-1. ELECTRONIC FILINGS

A. The Electronic Filing System. All documents submitted for filing in this district, no matter when a case was originally filed, shall be filed electronically using the Electronic Filing System (“System”) or shall be scanned and uploaded to the System. Unless otherwise authorized by the assigned Judge, all documents submitted for filing in bankruptcy cases or adversary proceedings in this district must be filed electronically using the System. Attorneys annually filing more than five separate pleadings or documents conventionally, shall be scheduled for a show cause hearing in front of the presiding Judge. Parties proceeding pro se shall not be required to file electronically. Claimants conventionally filing more than 50 separate proofs of claim annually shall be scheduled for a show cause hearing in front of the presiding Judge.

B. Registration for Attorneys.

1. Each attorney desiring to file pleadings or other papers electronically must complete and sign an Attorney Registration Form and attend the necessary training required by the Court. This form is available on our web site at www.neb.uscourts.gov.

2. All originally signed Attorney Registration Forms shall either be emailed to Nebml_ecfaccess@neb.uscourts.gov or mailed/delivered to the United States Bankruptcy Court, 460 Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, Nebraska 68508.

3. To ensure that the Clerk’s office has correctly entered a registering attorney’s Internet email address in the System, upon certification of requirements, the Clerk’s office will send the attorney an Internet email message after assigning the attorney a password. The attorney may request the password by email, telephone, regular first-class mail, or arrange to pick up his/her password at the Clerk’s office.

4. Once registered, an attorney may withdraw from participating in the System by providing the Clerk’s office with notice. Such notice must be in writing, and either emailed to Nebml_ecfaccess@neb.uscourts.gov or mailed/delivered to the United States Bankruptcy Court, 460 Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, Nebraska 68508. Upon receipt, the Clerk’s office will immediately cancel the attorney’s password and will delete the attorney’s name from any applicable electronic service list.

5. If any of the information on the Attorney Registration Form changes (e.g., mailing address, email address, etc.), the attorney must submit an amended Attorney Registration Form either via email to Nebml_ecfaccess@neb.uscourts.gov or mailed/delivered to the United States Bankruptcy Court, 460 Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, Nebraska 68508.

C. Registration for Parties/Creditors. To obtain electronic filing access, all filers must submit the Application for Limited Use/Claim Password for Electronic Case Filing System found at www.neb.uscourts.gov. The application may be submitted either via email to Nebml_ecfaccess@neb.uscourts.gov or mailed/delivered to the United States Bankruptcy Court, 460 Robert V. Denney Federal Building, 100 Centennial Mall North, Lincoln, Nebraska 68508.

D. Fax Filings. Filings with the Clerk may not be made by facsimile **transmission** unless previously authorized by the Clerk or Clerk's designee. In an emergency situation, counsel may seek leave to transmit matters by facsimile by telephoning the Clerk or Clerk's designee. If leave is obtained, the sender shall follow instructions of the Clerk. A facsimile cover sheet shall specify the name of the Clerk's designee who authorized the facsimile **transmission**.

RULE 5005-2. DOCUMENTS FILED UNDER SEAL

A. In General. A motion to seal may be filed electronically; however, the actual document(s) to be filed under seal shall be filed conventionally. The order of the Court authorizing the filing of such document(s) under seal will be entered electronically by the Clerk's office and a paper copy of the order shall be attached to the document(s) under seal and delivered to the Clerk's office.

1. Motion to Seal. No document shall be sealed except on order of the Court. A motion to seal may be made on any grounds permitted by law, shall contain the basis for why sealing is required of all or a portion of the document or object and shall be accompanied by a proposed order. Such motion shall address whether or not redaction may serve to eliminate or reduce the need for sealing. Filed simultaneously with the motion to seal shall be the document or object to be sealed. The document or object shall be filed provisionally under seal, and will remain provisionally under seal until the Court rules on the motion.

2. Motion to Unseal or View. A motion to unseal or view a document or object may be made on any grounds permitted by law and shall be accompanied with a proposed order.

RULE 5010-1. REOPENING CASES

A motion to reopen a closed case shall be filed with the Clerk together with the appropriate filing fee. The motion shall state specific facts showing cause for reopening the case and the reasons for such reopening. Notice of the motion shall be provided to any former trustee in the case and the United States Trustee's office. If the case is being reopened to enable movant to file a motion, pleading, document, or adversary proceeding regarding a specific creditor or party, notice shall also be given to that creditor or party. The motion shall inform the parties of the resistance date pursuant to Neb. R. Bankr. P. 9013-1.

RULE 5011-1. WITHDRAWAL OF REFERENCE

A. Motions to Withdraw. All cases under Title 11 of the United States Code, and all proceedings arising under such Title 11, or arising in, or related to, a case under Title 11, are referred by the United States District Court for the District of Nebraska to the Bankruptcy Court pursuant to Nebraska General Rule NEGenR 1.5. Motions to withdraw the reference shall be filed in accordance with NEGenR 1.5. A motion to withdraw reference shall proceed under Neb. R. Bankr. P. 9013-1.

B. Emergency Situations. If all Bankruptcy Judges are disqualified or incapacitated, the Clerk of the Bankruptcy Court shall refer motions for withdrawal of reference to the Clerk of the District Court. The motion for withdrawal of reference shall then be assigned to a District Judge in accordance with Nebraska General Rule 1.4(a)(2) and any applicable general order regarding assignment of District Judges. The assigned District Judge shall, after conducting such proceedings as he or she deems necessary, determine whether the motion to withdraw should be granted.

PART VI. COLLECTION AND LIQUIDATION OF THE ESTATE

RULE 6004-1. SALES OF ESTATE PROPERTY

A. Content of Notice of Sale.

1. General. In addition to compliance with Fed. R. Bankr. P. 2002(a)(2), 2002(c)(1), 6004 and Neb. R. Bankr. P. 9013-1, notices regarding motions for private sales or leases of property shall include a disclosure of the name of the purchaser and the relationship, if any, that the purchaser or the purchaser's firm, partnership, corporation, or any other form of business association or relationship, and all members, associates, and professional employees thereof may have directly or indirectly with the case in which notice of sale is filed or any case related thereto.

2. Tax Information. The notice shall include the following information concerning the tax consequences of the sale: the tax basis of the property, projected costs of sale, anticipated capital gain or loss, and anticipated net taxable income from sale after adjustments. If the information is not available, the notice shall state information that is available and an explanation as to why other information is not available.

3. Motions for Sale of All or Substantially All of the Estate's Assets in Chapter 11 Cases. In a Chapter 11 case, if the debtor or trustee seeks authority to sell property of the estate pursuant to 11 U.S.C. § 363(b) prior to the entry of an order of confirmation, and such sale encompasses all or substantially all of the assets of the estate, the notice of sale shall contain a clear and conspicuous statement to that effect. In addition to the information required under Fed. R. Bankr. P. 2002(c), the notice of sale shall specify the extent, if any, to which the proceeds of sale shall be used to benefit each class of creditors, the extent of the debtor's liabilities, and the estimated net value of any of the remaining assets not subject to the proposed sale. The notice shall further

state the business justification for disposing of estate assets before a disclosure statement has been approved or a plan confirmed.

4. Notice of All Sales. In all individual Chapter 7 or individual Chapter 11 proceedings, whether or not the Internal Revenue Service is a creditor or has filed a claim, the Internal Revenue Service is an interested party and must be provided notice of all sales under 26 U.S.C. § 363. In all proceedings, whether or not the Internal Revenue Service is an interested party and must be provided notice of a debtor's intent to enter into a lease under § 363 or to accept an existing lease under § 365.

PART VII. ADVERSARY PROCEEDINGS

RULE 7001-1. ADVERSARY PROCEEDINGS - GENERAL

A. Applicability of Neb. R. Bankr. P. 9013-1 to Adversary Proceedings.

1. In adversary proceedings, Neb. R. Bankr. P. 9013-1 applies to the following motions, and service is required on all parties appearing in the adversary proceeding:

- a. To abstain or withdraw reference.
- b. To approve stipulations (however, if the stipulation is actually a compromise under Fed. R. Bankr. P. 9019, it shall be served on all entities listed in that Rule).
- c. To consolidate.
- d. Discovery (*see* Neb. R. Bankr. P. 7026-1).
- e. To dismiss (however, if filed by the plaintiff, *see* subparagraph 2.d).
- f. To file amended motion or pleading.
- g. To file out of time.
- h. For more definite statement.
- i. To reconsider.
- j. To substitute parties.
- k. For summary judgment (however, the notice provided by the movant must specifically refer to the applicability of Local Rule 7056-1).

1. To withdraw as attorney.
2. In adversary proceedings, Neb. R. Bankr. P. 9013-1 **does not** apply to the following motions, which should be filed with the Clerk and served on all parties appearing in the adversary proceeding:
 - a. To compel.
 - b. To continue a hearing, pursuant to Neb. R. Bankr. P. 9006-2.
 - c. For default judgment.
 - d. To dismiss, filed by plaintiff (if Neb. R. Bankr. P. 7001-1.a. has been complied with and there is no other claim pending in the adversary proceeding by another party, the motion shall so state and a proposed order shall be submitted with the motion. Service shall comply with Fed. R. Bankr. P. 7041).
 - e. To extend time deadlines.
 - f. To file a brief.
 - g. For protective order.
 - h. For temporary restraining order.
3. In adversary proceedings, Neb. R. Bankr. P. 9013-1 applies to all other motions, and service is required on all parties appearing in the adversary proceeding.

B. Motion to Dismiss Adversary Proceeding Concerning Discharge or Dischargeability of a Debt. A motion to dismiss an adversary proceeding which seeks to bar discharge under 11 U.S.C. § 727 or to except a debt from discharge under 11 U.S.C. § 523 shall set forth the consideration, terms, and conditions under which the pleading is being withdrawn or dismissed. A motion to dismiss an adversary proceeding which seeks to bar discharge under § 727 shall be served upon the adverse party, the trustee, if any, and upon the United States Trustee pursuant to Fed. R. Bankr. P. 7041, with notice of a resistance date established pursuant to Neb. R. Bankr. P. 9013-1.

C. Applicability of Fed. R. Civ. P. 16 to Adversary Proceedings. Unless otherwise ordered by the Court sua sponte, or upon motion filed pursuant to Neb. R. Bankr. P. 9013-1, Fed. R. Civ. P. 16(b) shall not apply in adversary proceedings. The Court will continue its practice of entering a pretrial order which shall require the filing of a joint preliminary pretrial statement by a date certain.

D. Applicability of Fed. R. Civ. P. 26 to Adversary Proceedings. Fed. R. Civ. P. 26, excepting subsections (d) and (f), shall apply in adversary proceedings. Disclosures required by Rule 26(a)(1) shall be made within 45 days after the answer is filed.

RULE 7004-1. PROCESS; SERVICE OF SUMMONS, COMPLAINT

If the debtor is represented by an attorney, whenever service is made upon the debtor under this Rule, service shall also be made upon the debtor's attorney by any means authorized under Fed. R. Civ. P. 5(b).

RULE 7026-1. DISCOVERY MOTIONS

A. Except as otherwise provided in this Rule, Neb. R. Bankr. P. 9013-1 and **NECivR 7.0.1(i)** apply to discovery motions.

B. To curtail undue delay in the administration of justice, this Court will not consider any discovery motion unless counsel for the moving party, as part of the motion, shows in writing that after personal consultation with counsel for opposing parties and sincere attempts to resolve differences, they are unable to reach an accord. This showing shall also recite the date, time, and place of such communications and the names of all persons participating in them. As used in this Rule, "counsel" includes parties who are acting pro se.

1. "Personal Consultation" Defined. "Personal consultation" shall include person-to-person conversation, either in the physical presence of each counsel or on the telephone. An exchange of letters, faxes, voice mail messages, or emails between or among counsel may also constitute personal consultation for purposes of this Rule upon a showing that person-to-person conversation was attempted by the moving party and thwarted by the non-moving party.

2. Form. A discovery motion shall include in the text of the motion or in an attachment a verbatim recitation of each interrogatory, request, answer, response, and objection that is the subject of the motion.

RULE 7055-1. DEFAULT

A. While Fed. R. Bankr. P. 7055(a) provides for a Clerk's Entry of Default, the Court has determined that the Clerk's Entry of Default is unnecessary. A party seeking entry of a judgment by default under Fed. R. Bankr. P. 7055 (b), shall present a motion to the Court, rather than to the Clerk.

B. To obtain entry of a default judgment under Fed. R. Bankr. P. 7055(b), the party requesting the judgment shall, submit the following materials:

1. A Motion for Entry of Default Judgment.

2. An affidavit stating that the party against whom the default judgment is requested: (a) has failed to plead or otherwise defend in this matter; (b) is not an infant or incompetent person as set out in Fed. R. Bankr. P. 7055(b)(2); and (c) has provided a statement that the defendant is not in the military service. (Counsel preparing the affidavit are referred to the Servicemembers Civil Relief Act, 50 App. U.S.C.A. § 521.)

If judgment is sought for a sum certain, the affidavit should set forth that amount, including the exact computation of interest and costs.

3. A proposed judgment for the Court's consideration submitted pursuant to Neb. R. Bankr. P. 9072-1.

C. An Entry of Default Judgment by the Court supersedes the need for a separate Clerk's Entry of Default.

RULE 7056-1. SUMMARY JUDGMENT PROCEDURE

Except as otherwise provided in this Rule, Neb. R. Bankr. P. 9013-1 and the procedures of **NECivR 56.1** apply to motions for summary judgment. The Court will determine on a case-by-case basis whether to schedule summary judgment motions for oral argument.

A. Moving Party.

1. Motion and Supporting Materials. The moving party shall contemporaneously file a brief in support of the motion. The moving party shall also contemporaneously file the evidentiary materials upon which the party is relying, or identify any previously filed evidentiary materials upon which the party is relying.

2. Statement of Material Facts. The moving party shall set forth in the brief in support of the motion for summary judgment a separate statement of material facts as to which the moving party contends there is no genuine issue to be tried and that entitle the moving party to judgment as a matter of law. Failure to submit a statement of facts constitutes grounds for denial of the motion.

3. Form; Citation to Record. The statement of facts shall consist of short numbered paragraphs, each containing pinpoint references to affidavits, pleadings, discovery responses, deposition testimony (by page and line), or other materials relied upon to support the material facts recited in that paragraph. A fact is "material" if pertinent to the outcome of the issues identified in the motion for summary judgment. The statement of facts shall describe the parties and recite all facts supporting the Court's venue and jurisdiction. The statement shall not contain legal conclusions. Failure to provide citations to the exact locations in the record supporting the factual allegations shall be grounds to deny the motion.

B. Opposing Party.

1. Response to the Motion. A party resisting a motion for summary judgment must file a written objection or resistance pursuant to Neb. R. Bankr. P. 9013-1. A brief in support of the resistance, along with any evidentiary materials not previously filed on which the objecting party relies, should be filed at the same time as the resistance or objection.

2. Response to Movant's Statement. The party opposing a motion for summary judgment shall include in its brief a concise response to the moving party's statement of material facts. The response shall address each numbered paragraph in the movant's statement and, in the case of any disagreement, contain pinpoint references to affidavits, pleadings, discovery responses, deposition testimony (by page and line), or other materials upon which the opposing party relies. Properly referenced material facts in the movant's statement will be deemed admitted unless controverted by the opposing party's response.

3. Response Time. An opposing brief may be filed no later than **21** days after service of the motion and supporting brief. Failure to file an opposing brief *alone* shall not be considered to be a confession of the motion; however, nothing in this Rule shall excuse a party opposing a motion for summary judgment from meeting the party's burden under Fed. R. Civ. P. 56, made applicable to bankruptcy cases by Fed. R. Bankr. P. 7056.

RULE 7062-1. RENTAL/LEASE DEPOSITS IN THE COURT

A. 11 U.S.C. § 362(l) adds a new exception to current automatic stay provisions regarding leases, as well as limitations to this new exception and remedial actions available to the debtor. The exceptions to the automatic stay apply to any eviction or similar proceeding against a debtor tenant if the landlord has obtained a judgment for possession of the leasehold prior to the date of the filing of the petition.

B. If the debtor declares, upon filing of the petition, that the debtor is permitted under state law to cure the entire monetary default that gave rise to the judgment for possession, the debtor must file with the Court:

1. A Certification of Intent to Cure Entire Monetary Default for Residential Property or a Certification of Cure of Entire Residential Judgment (if all three check boxes on the petition were not selected) with the name and address of the judgment landlord and a copy of the state court judgment and;

2. Deposit with the Court any rent that would become due during the 30-day period after the filing of the petition.

3. The deposit shall be submitted to the Clerk in cash, certified check, or a money order made payable to "U.S. Bankruptcy Court."

C. Disbursements of Rental/Lease Deposit; Content of Order. The Clerk shall disburse rental/lease deposit funds only pursuant to an Order to Release Funds from the presiding Judge. The order will specify payment instructions as appropriate and the name and address of the landlord. The United States Bankruptcy Clerk's office will arrange for the prompt transmittal of the rent/lease deposit.

D. If the lessor files an objection to either certification, the Court will (1) schedule the matter for hearing to take place within 14 days of the filing and service of such objection; and (2) provide notice thereof to the objector. The objector shall immediately serve on all parties in interest the objection, proposed affidavit or declaration evidence, or a detailed summary thereof and notice of the hearing date and file with the Court a Certificate of Service prior to the hearing.

RULE 7067-1. REGISTRY FUNDS; DEPOSIT IN THE COURT

A. Deposit of Registry Fund; Content of Order. No money shall be sent to the Court or the Clerk for deposit into the Court's registry without a Court order. The order shall be prepared by the party seeking the order of deposit. The order shall state the exact amount or approximate amount to be deposited; that the funds are to be deposited into an interest-bearing account; and that the funds will remain on deposit until further order of the Court.

B. Deposit. As soon as practicable, the Clerk shall deposit the monies pursuant to the order of deposit into the Court's Registry Account.

C. Fees. Except as otherwise ordered, the Clerk will deduct from the income earned on the investment at the time the income becomes available, a fee as authorized by the Judicial Conference of the United States and set out by the Director of the Administrative Office of the United States Courts.

D. Disbursements of Registry Fund; Content of Order. To withdraw money deposited in the Court pursuant to Fed. R. Civ. P. 67 and subsequently deposited into an interest-bearing account or instrument as required by Rule 67, a party must file a motion for withdrawal of the funds and simultaneously submit a proposed order and completed IRS Form W-9. The proposed order shall include the name(s) of recipient(s) and address where the check is to be delivered.

PART IX. GENERAL PROVISIONS

RULE 9004-1. CAPTION

The caption of each pleading, proposed order, or other document shall describe with specificity its purpose and shall include the bankruptcy number and adversary number, if any, assigned by the Clerk and the chapter in which the debtor seeks or has been granted relief.

RULE 9004-2. ATTORNEY IDENTIFICATION

The name, office address, telephone number, facsimile number, and state bar identification number of any attorney filing any pleading or motion shall be included on the document.

RULE 9004-3. DEFICIENCY NOTICE/CORRECTED FILINGS/DATE OF FILINGS

The Court will continue its current practice of issuing a Deficiency Notice for all documents incorrectly filed.

A. The Deficiency Notice will generally describe the deficiency in the incorrectly filed document.

B. If the filing party disputes the existence of a deficiency it shall file a request for hearing with the Court within 14 days of issuance of the notice, at which time the Court will determine whether the filing should be stricken.

C. Alternatively, the filing party may file an amended document (citing the original filed document docket number) within 14 days of the Court's issuance of the Deficiency Notice. If filed within this time period the amended document's filing date will be deemed the original filing date of the original filed document for all purposes. Any applicable objection or resistance deadlines related to the amended document shall be re-computed and re-noticed by the filing party from the corrected document's filing date or Court order, if applicable.

D. If the document is not amended as required herein and no hearing is requested, the incorrectly filed document will be deemed stricken without further order of the Court.

RULE 9006-1. TIME PERIODS

A. Shortened Notice. For good cause shown, a party may request that a hearing or bar date be set on notice shorter than would otherwise be required.

1. Caption. On all requests for expedited hearings or expedited rulings, the caption of the motion shall include the language "Request for Expedited Hearing" or "Request for Expedited Ruling" or "Request for Shortened Notice." All motions for expedited hearings or shortened notice must be filed as separate motions and shall not be combined within the body of other relief.

2. Application. All requests for a hearing or bar date to be set upon shortened notice shall state the nature of the request, the name of counsel for the opposing party, if known, the reasons for seeking an order shortening notice, and points and authorities in support thereof. All such applications shall state facts that justify the setting of a hearing or bar date on shortened notice. Notice of the application for order shortening time is not required. The application for order

shortening time will be determined ex parte by the Court, subject to the right of any party to object to the adequacy of notice pursuant to subsection B.

3. Scope of Notice Required. Unless otherwise ordered by the Court, the moving party shall give notice of both the order shortening time and the substance of the underlying motion to all parties to whom notice of the underlying motion is required to be given by the Federal Rules of Bankruptcy Procedure or by these Local Rules, as well as to any other party that is likely to be adversely affected by the granting of the underlying motion.

4. Proof of Notice to be Presented at Hearing on the Substantive Motion. It shall be the duty of the party that has obtained an order shortening time:

- a. Telephone Notice. To make a good faith effort to advise all other parties and their counsel, if known, by telephone and confirming letter or by such other means as are reasonably calculated to give equally prompt notice of the date, time, and substance of the motion being scheduled for a shortened bar date or heard on shortened notice.
- b. Expected Appearance. To advise the Court of efforts to contact other parties and their counsel and whether any other counsel, after such efforts to advise parties and their counsel, has requested to be present at the time the motion is presented to the Court.
- c. Transmittal of Papers. To transmit all moving papers to all parties as soon as is practicable.
- d. Declaration of Notice. To present a declaration or professional statement of the efforts to communicate with opposing parties and their counsel or present to the Court a declaration setting forth facts sufficient to show why the motion should be heard despite failure to contact opposing parties.

B. Resistance to Shortened Notice. At any time before the conclusion of the hearing on the underlying motion or before the expiration of the resistance period, any party may object to the adequacy of the notice received and seek a continuance for good cause shown.

RULE 9006-2. CONTINUANCES OF SCHEDULED HEARINGS

A. Continuance Upon Stipulation. As soon as all parties in interest stipulate for the continuance of a hearing on a motion, they shall immediately notify the Courtroom Department by email at NEBml_Orders_Omaha@neb.uscourts.gov or NEBml_Orders_Lincoln@neb.uscourts.gov of their stipulation which shall be subject to approval by the Court as required in subsection D. Unless the continuance is approved by the Court, at least one party must appear at the scheduled hearing.

B. Continuance Upon Motion. If a party wants to continue a hearing and all parties in interest will not so stipulate, a motion for the continuance shall be filed with the Court and served upon all previously noticed parties before the day set for the hearing. The motion shall set forth, in detail, **the basis for the motion** and shall state whether any continuance has been previously granted.

C. Notice of Continuance. If a continuance is approved, the moving party shall be responsible for providing immediate telephone notice of the continuance to all parties expected to appear at the hearing.

D. Court Approval. No continuance (whether stipulated to by counsel or not) shall be effective unless the Court announces it in open Court, approves it in an order, or the Courtroom **Department** informs the parties that the Judge has authorized the requested continuance.

RULE 9010-1. APPEARANCES AND WITHDRAWAL OF APPEARANCE

A. Appearances. Interested parties or their counsel who wish to receive notice of all documents filed in a case, shall file an appearance with the Clerk and serve the appearance on the debtor and the debtor's counsel. Parties shall provide their address, telephone, fax numbers.

B. Withdrawals. Any change to or withdrawal of an appearance shall be filed with the Clerk and served upon the debtor and the debtor's counsel.

RULE 9011-1. SIGNATURES

A. Petitions, lists, schedules and statements, amendments, pleadings, affidavits, and other documents which must contain original signatures or which require verification under Fed. R. Bankr. P. 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746, shall be filed electronically and may include, in lieu of the actual signature, the signature form described in subsection C.

B. The attorney of record or the party originating the document shall maintain the original signed document for all bankruptcy cases at least one year after the case is closed. In adversary proceedings, the parties shall maintain the original document until after the case ends and all time periods for appeals have expired. Upon request, the original document must be provided to other parties or the Court for review (Fed. R. Bankr. P. 9011 applies).

C. The pleading or other document electronically filed may indicate a signature, *e.g.*, "s/ Jane Doe." The ECF filer login and password may constitute the signature of said party on any electronically filed pleading (i.e., affidavits, petition, schedules). The attorney of record or the party originating the document shall maintain the original signed document. Upon request, the original document must be provided to other parties or the Court for review.

D. The following procedure applies when a stipulation or other document requires two or more signatures:

1. The filing attorney shall initially confirm that the content of the document is acceptable to all persons required to sign the document and shall obtain the physical signatures of all parties on the document. For purposes of this Rule, physical, facsimile, or electronic signatures are permitted. A document may be signed in counterparts (Fed. R. Bankr. P. 9011 applies).

2. The filing attorney then shall file the document electronically, indicating the signatories, *e.g.*, “s/ Jane Doe,” etc.

3. The filing attorney shall maintain the signed document for all bankruptcy cases at least one year after the case is closed. In adversary proceedings, the parties shall maintain the signed document until after the case ends and all time periods for appeals have expired. Upon request, the signed document must be provided to other parties or the Court for review.

RULE 9013-1. MOTION PRACTICE

A. Applicability.

1. Bankruptcy Case. The procedures of this Local Rule shall apply to all motions filed in bankruptcy cases except for those particular motions governed by Neb. R. Bankr. P. 1007-1(B), 1017-1, or 2014-1(B), and motions for relief from the automatic stay under Neb. R. Bankr. P. 4001-1 and proceedings filed pursuant to 11 U.S.C. §§ 362(c)(3), 362(c)(4), and 521(a)(6) automatic stay extensions or terminations.

2. Adversary Proceedings. The procedures of this Local Rule shall apply to all motions filed in adversary proceedings except for those particular motions listed in subsection 2 of Neb. R. Bankr. P. 7001-1.

3. The procedures of this Local Rule do not apply to non-substantive motions, which will be considered by the Court without resistance or hearing, or to motions which are set for hearing regardless of objection or resistance. Examples of motions which do not require 9013-1 notice include:

Application for informia pauperis

Application to employ

Motion for appointment of ombudsman

Motion for contempt

Motion for discovery

Motion for extension of time to file answer

Motion for extension of time to file plan

(**Note:** motions to extend the exclusivity period for filing a plan or disclosure statement **do** require a 9013-1 notice);

- Motion for extension of time to file preliminary pretrial statement
- Motion for extension of time to file schedules
- Motion for injunction under Fed. R. Bankr. P. 7065
- Motion for leave to file reply briefs
- Motion for leave to intervene under Fed. R. Bankr. P. 2018
- Motion for more definite statement under Fed. R. Bankr. P. 7012
- Motion for payment of unclaimed funds under 11 U.S.C. § 347 and Fed. R. Bankr. P. 3011
- Motion for protective order
- Motion for refund of filing fee**
- Motion for sanctions
- Motion for stay
- Motion for temporary restraining order
- Motion/request for expedited hearing
- Motion/request for hearing
- Motion to compel
- Motion to continue a hearing, pursuant to Neb. R. Bankr. P. 9006-2
- Motion to defer/delay discharge**
- Motion to delay closing**
- Motion to extend automatic stay filed by the debtor**
- Motion to extend time to appeal**
- Motion to extend time to file objections to claims (Chapter 13)**
- Motion to extend time to pay filing fee**
- Motion to file instanter
- Motion to limit service
- Motion to quash under Fed. R. Bankr. P. 9016
- Motion to redact**
- Motion to seal document or case
- Motion to shorten notice time
- Motion to strike

B. Definition of Motion. “Motion” for purposes of Neb. R. Bankr. P. 9013-1, 9017-1, and 9072-1 includes headings and documents entitled “Motion,” “Application,” “Objection to Claim,” “Disclosure Statement,” “Plan,” and other documents referred to in Appendix “A.”

C. Form of Motion or Resistance. All motions shall plead facts which establish that the moving party is entitled to the relief sought. The motion shall cite statutory, case, or Rule authority for granting relief. All motions, including motions for relief from stay, shall conclude with an unambiguous request for particular relief. All resistances to any motion shall set forth the specific factual and legal basis and conclude with a particular request for relief. Motions and resistances shall be served in conformance with this Neb. R. Bankr. P. 9013-1. All motions for expedited hearings or shortened notice must be filed as separate motions and shall not be combined within the body of other relief.

D. Resistance Date. Unless otherwise ordered or otherwise provided for in a Federal Rule of Bankruptcy Procedure (*see* Fed. R. Bankr. P. 4001(c) and (d) and 2002(b)), upon **21** days notice to creditors and interested parties entitled to notice, the Court will consider ruling on the motion pursuant to subsection I, unless a resistance or request for hearing is filed and served on or before the deadline provided in the notice of the motion. If no resistance is timely filed and served, the Court will enter an order.

E. Notice. At the time a motion is filed, the moving party shall serve the motion on and shall provide notice to all parties in interest and those that have requested notice pursuant to Fed. R. Bankr. P. 2002. The notice shall state the specific calendar date by which any resistance or request for hearing must be filed and served. The notice will be defective if it provides that a resistance or request must be filed within a specified number of days.

F. Proof of Service. Proof of service of the separate notice and motion shall be filed contemporaneously with the motion. The proof of service shall contain a list of recipients and shall attach a copy of the notice.

G. Service on the United States. Notice of a matter concerning an agency of the United States should be served on the United States Attorney General, the United States Attorney for the District of Nebraska, and the agency representative at the address reflected in Appendix “B.”

H. Withdrawal of Motions. Any request to withdraw a motion must be filed and served upon all previously noticed parties. As soon as a decision has been made to withdraw a motion, the moving party shall immediately notify the Courtroom **Department**.

I. Hearings on Motions. If the resistance period expires without the filing of any resistance or request for hearing, the Court will consider entering an order granting the relief sought without further notice or hearing. If a timely resistance or request for hearing is filed and served, the Clerk shall schedule a hearing. Parties shall exchange declarations or affidavits and documentary evidence before the hearing in accordance with Neb. R. Bankr. P. 9017-1. Unless otherwise ordered, oral arguments will be scheduled in the courtroom. A party may either appear in person or participate by telephone.

J. Appearance at Hearings. A party may either appear in person in the courtroom or participate by telephone. Parties shall be available to the Court when the Court initiates the telephone call(s) for the hearing. It is the responsibility of the parties who are participating by telephone to inform the appropriate Courtroom **Department**. **At least 24 hours** prior to the hearing, counsel will provide the Courtroom **Department** with the telephone number where they can be contacted for the hearing and specify if the telephone number is different from their regular business telephone number.

RULE 9014-1. APPLICABILITY OF FED. R. CIV. P. 16 AND 26 TO CONTESTED MATTERS

A. Unless otherwise ordered by the Court sua sponte or upon motion filed pursuant to Neb. R. Bankr. P. 9013-1, Fed. R. Civ. P. 16(b) shall not apply in contested matters. The Court will continue its practice of entering a pretrial order which requires the filing of a joint preliminary pretrial statement by a date certain.

B. Unless otherwise ordered by the Court sua sponte or upon motion filed pursuant to Neb. R. Bankr. P. 9013-1, Fed. R. Civ. P. 26(a), (d), and (f) shall not apply in contested matters.

RULE 9015-1. JURY TRIAL

A. Applicable Rules. Fed. R. Civ. P. 38, 47-51, and 81(c) apply in adversary proceedings defined in Fed. R. Bankr. P. 7001 and all proceedings wherein a party may have a right to trial by jury.

B. Demand for Jury Trial. A demand for jury trial shall be made in accordance with Fed. R. Civ. P. 38 and filed in the office of the Clerk. After notice and hearing, the Bankruptcy Judge shall rule upon the demand for jury trial and make findings as to which issues are triable to a jury as a matter of right.

C. Reference Withdrawal. If the Bankruptcy Judge determines that a party has a right to a jury trial on some or all issues and if all of the parties to the particular contested matter or adversary proceeding have not given their express consent for the Bankruptcy Judge to conduct the jury trial on such issues, the Bankruptcy Judge shall request the United States District Court to withdraw the reference as to those matters triable to a jury and such other issues as the United States District Court shall determine.

RULE 9017-1. HEARINGS UPON DECLARATIONS AND DOCUMENTARY EVIDENCE; DESTRUCTION OF EXHIBITS

A. General. Hearings scheduled on motions shall be governed by this Local Rule and the Docketing Standards for Evidence, Appendix “M.”

B. Evidence.

1. Declarations; Affidavits. Evidence submitted in support of, or in opposition to, motions shall be electronically filed in the form of declarations or affidavits and documentary evidence. The caption of the affidavit or declaration shall identify the affiant and the name of the pleading which the affidavit or declaration supports. Oral testimony will not be permitted at hearings on motions unless otherwise ordered. A party may request leave to present oral testimony in support of, or in opposition to, a motion by filing and serving a written request at least five days before the hearing date.

2. Exhibits. Except in the case of motions for relief from the automatic stay and objections to claims (*see* Neb. R. Bankr. P. 4001-1(D) and (F) and 3007-1(A)), evidentiary materials, including document discovery material and declarations or affidavits, as are being relied upon (“exhibits”), shall be electronically filed. A copy of the “Notice of Electronic Filing” shall describe the document so filed. Such documents, or the relevant portions thereof, should be electronically imaged (i.e., “scanned”) and saved as .pdf files. For electronically filed exhibits, follow the procedures outlined in Appendix “M.” If pleadings are filed with attachments, the attachments should be clearly identified at the top of the page. The Court may exclude evidence not filed and transmitted in accordance with these Local Rules.

- a. Evidence offered at the hearing shall be presented by affidavit pursuant to Neb. R. Bankr. P. 9017-1. Affidavits and exhibits shall be filed with the Clerk’s office at least three days prior to the hearing.
- b. Affidavits offered in Motion for Relief from Automatic Stay matters shall comply with Neb. R. Bankr. P. 4001-1(F) and 9017-1. The hearing shall be a final hearing as described in 11 U.S.C. § 362(d) and (e) unless, at the conclusion of the hearing, the Court concludes that the hearing should be treated as a preliminary hearing as described in those statutes.
- c. Motions for Relief from Automatic Stay, Motions for Use of Cash Collateral, Chapter 12 Local Rule 3015-1 Requirement, and Similar Motions. No exhibits or supporting documents shall be filed with the initial “motion.” The “motion” (including a Chapter 12 plan) shall include in the body, or in an attachment, a written summary of contents of the exhibits or documents. The exhibits shall be served on opposing counsel in electronic or paper form and the movant shall provide an electronic or paper copy to any interested party upon request. A certificate of service must be filed with the Court.
- d. Contested Matters. If a resistance to a motion is filed, and the matter set for hearing, both parties shall file exhibits in electronic format. Such filing shall be accomplished at least three days prior to the hearing.
- e. Adversary Proceedings - Summary Judgment, Motion to Dismiss, etc. The Index of Evidence and all exhibits shall be filed electronically. An electronic or paper copy of the index and exhibits shall be served on the opposing party, if required by the Code or Rules, and a certificate of service must be filed with the Court.

C. Destruction of Exhibits. Unless ordered by the Court, all exhibits shall be electronically filed. The Clerk shall retain paper exhibits for a period of 90 days after a final order is entered on a motion. The Clerk shall discard exhibits without notice 90 days after final judgment or order has been entered on a motion provided that a final order has been entered on all appeals

thereof. On the date that the Clerk destroys or returns the exhibits, the Clerk shall enter a remark on the docket sheet stating the disposition and the date thereof.

RULE 9019-1. SETTLEMENTS AND STIPULATIONS

A. Notification to Court of Settlement of Matter Scheduled for Hearing. A party to a scheduled hearing shall immediately inform the Courtroom Department by (1) email at NEBml_Orders_Omaha@neb.uscourts.gov or NEBml_Orders_Lincoln@neb.uscourts.gov; (2) telephone; or (3) other expeditious means when any matter set for hearing has been settled out of Court. Upon receipt of notice of settlement, the Clerk shall cancel the hearing and direct the parties to file within 14 days a pleading which establishes that the matter was settled.

B. Effect of Stipulations. Except as otherwise provided by the Bankruptcy Code or the Federal Rules of Bankruptcy Procedure, including without limitation Fed. R. Bankr. P. 4001, stipulations filed with the Court are binding upon the parties thereto in accordance with their terms. Without limiting any notices otherwise required by the Bankruptcy Code, Bankruptcy Rules or these Local Rules, a stipulation which provides for relief from the automatic stay which prohibits or conditions the use, sale or lease of property, provides for adequate protection, or use of cash collateral, or for obtaining credit shall not be enforceable between the parties or as against third parties, unless it is approved by the Court after notice and hearing as required by Fed. R. Bankr. P. 4001(d). The party filing the stipulation must have in its possession the original document with all original signatures and retain such document.

C. Stipulations Requiring Notice Under Fed. R. Bankr. P. 4001(d) or 9019. Unless otherwise ordered by the Court, the notice requirement of Fed. R. Bankr. P. 4001(d) and 9019 may be satisfied by compliance with Neb. R. Bankr. P. 9013-1 as complemented by Fed. R. Bankr. P. 4001(d) or 9019.

RULE 9072-1. ORDERS - PROPOSED

A. Form of Proposed Orders. The Clerk's office will electronically file all orders and notices. DO NOT SUBMIT A PROPOSED ORDER TO THE COURT UNLESS INSTRUCTED TO DO SO.

1. The Court will produce and file standard orders to grant or deny motions. Many orders will be in the form of a text-only docket entry "order," entered by Court employees authorized to do so by the Judge, which orders shall constitute the only Court order concerning the matter. Under certain conditions, a party may be requested by the Court to submit the proposed order to the Courtroom Department responsible for the case.

2. If counsel needs specific language in an order, counsel may contact the Courtroom Department responsible for the case by telephone or email and request permission to submit a proposed order.

3. Electronic submission of proposed orders authorized to be submitted **should be emailed to NEBml_Orders_Omaha@neb.uscourts.gov or NEBml_Orders_Lincoln@neb.uscourts.gov**. See Appendix “B.”

4. Electronically submitted orders may not be combined with the application or motion into one document. The application or motion must be entered on the docket prior to submitting the order electronically. DO NOT ATTEMPT TO FILE A PLEADING WHICH CONTAINS AN ORDER IN THE BODY OF THE PLEADING.

5. All proposed orders must be submitted in a format compatible with WordPerfect X3 or a lower WordPerfect version, which is a “Save As” option in most word processing software.

6. All signed orders will be filed electronically by the Court or Court personnel. Any order filed electronically without the original signature of a Judge, but with the Judge’s electronic signature, has the same force and effect as if the Judge had affixed the Judge’s signature to a paper copy of the order and it had been entered on the docket in a conventional manner.

7. The Court will not serve the lien holder, the claim holder, etc., of any orders entered on uncontested matters. Any non-electronic creditor or party-in-interest required to receive service of said orders entered by the Court should be appropriately served by the movant. Orders of Conversion are excluded from this Rule. The new § 341 meeting notice served by the Court will constitute notice of the conversion.

APPENDIX “A”
MATTERS GOVERNED BY NEB. R. BANKR. P. 9013-1

Neb. R. Bankr. P. 9013-1 applies to all motions, except those explicitly excluded by 9013-1. With regard to adversary proceedings, *see* Neb. R. Bankr. P. 7001-1. In the bankruptcy case, motions covered by Neb. R. Bankr. P. 9013-1 shall include, without limitation, the following:

1. Applications in excess of \$1,000 by professionals, including attorneys, for allowance and payment of claims for services rendered and expenses incurred under 11 U.S.C. §§ 330, 331.
2. Confirmation of Chapter 12 plan and amended plans **under 11 U.S.C. § 1224.**
3. Confirmation of Chapter 13 plan if filed after the filing of the petition.
4. Motion to abandon property of the estate under 11 U.S.C. § 554.
5. Motion to abstain.
6. Motion to access tax returns filed with the Court under 11 U.S.C. § 521.
7. Motion for adequate protection under 11 U.S.C. §§ 362 or 1205.
8. Motion to allow filing claim out of time.
9. Motion to allow post-petition claim.
10. Motion to alter, amend, or reconsider judgments.
11. Motion to appoint trustee.
12. Motion for approval of Rule 2004 examination.
13. Motion to approve compromise, settlement, stipulation, and agreement, including those requiring notice pursuant to Fed. R. Bankr. P. 4001(d), including agreements to modify or terminate the automatic stay, to provide adequate protection, to use cash collateral, or to create senior or equal liens on property of the estate or to obtain credit.
14. Motion to approve disclosure statement under 11 U.S.C. § 1125 and § 901. The filing of a disclosure statement is the equivalent of a motion to approve it. *See* Neb. R. Bankr. P. 2080-1(D) and 2080-1(E).
15. Motion to approve final decree.

16. Motion to approve standing trustee's final report.
17. Motion for authorization to use cash collateral, obtain credit, grant security interests, or provide administrative priority status and other relief under 11 U.S.C. § 364.
18. Motion to avoid liens under 11 U.S.C. § 522.
19. Motion to change venue under 28 U.S.C. § 1412.
20. Motion to modify Chapter 12 or Chapter 13 plans. See 11 U.S.C. §§ 1223, 1229, 1323, and 1329.
21. Motion to consolidate bankruptcy cases.
22. Motion to convert a case (all chapters).
23. Motion to Deconsolidate.
24. Motion to determine value under 11 U.S.C. § 362.
25. Motions for discharge pursuant to 11 U.S.C. 1228(b), 11 U.S.C. 1328(b), or 11 U.S.C. 1141(d)(5).
26. Motion to dismiss a case (*see* Neb. R. Bankr. P. 1017-2) (motion to dismiss case under § 521 is not a 9013 matter).
27. Motion to distribute funds held by Chapter 12 or 13 Trustee.
28. Motion to establish a deadline for filing of proofs of claim or interests.
29. Motion to examine the debtor's transactions with the debtor's attorney or with other professionals under Fed. Bankr. R. 2017 and Neb. R. Bankr. P. 2017-1.
30. Motion for exemption from credit counseling pursuant to 11 U.S.C. § 109(h).
31. Motion for exemption from financial management course.
32. Motion for exemption from means test under 11 U.S.C. § 707.
33. Motion to extend exclusivity period under 11 U.S.C. § 1121(d).
34. Motion to extend plan payments.
35. Motion to extend time to file credit counseling certificate.

36. Motion to extend time to file personal financial management certificate.
37. Motion to extend time to file tax returns pursuant to Neb. R. Bankr. P. 4002-1.
38. Motion to extend time to object to discharge of debt under 11 U.S.C. § 523(a)(2), (4), or (6) pursuant to 11 U.S.C. § 523(c).
39. Motion to extend time to object to discharge or to file complaint seeking to bar discharge under 11 U.S.C. § 727.
40. Motion for hardship discharge pursuant to Fed. Bankr. R. 4007(d).
41. Motion to increase assurance payments.
42. Motion for leave to enroll in federal agricultural programs. Such motions shall include the specific government program.
43. Motion for more definite statement under Fed. R. Bankr. P. 7012 (supersedes Neb. R. Bankr. P. 9013-1(A)(3)(m)).
44. Motion to prohibit use, sale, or lease of collateral.
45. Motion to redeem property.
46. Motion for reinstatement of retiree benefits pursuant to 11 U.S.C. § 522.
47. Motion for relief from automatic stay under 11 U.S.C. § 362(d) if filed by a Nebraska county respecting tax claims.
48. Motion for relief from co-debtor stay. *See* Neb. R. Bankr. P. 4001-1(B).
49. Motion to reopen a case under 11 U.S.C. § 350.
50. Motion respecting the assumption or rejection of executory contracts or leases under 11 U.S.C. § 365.
51. Motion to sequester rents and profits.
52. Motion to substitute attorney/party (not a notice of substitution of attorney filed by an attorney from the same law firm).
53. Motion to suspend payments in Chapter 13.
54. Motion for turnover.

55. Motion to use, sell, or lease property under 11 U.S.C. § 363(b)(1).
56. Motion to withdraw as counsel.
57. Motion to withdraw reference.
58. Notice of payment default in a Chapter 13.
59. Objection to Chapter 13 Trustee's motion to allow claims.
60. Objection to claims.
61. Objection to the debtor's claimed exemptions.
62. Other motions. The Court may determine other motions using this procedure provided that the motion specifies why this procedure is appropriate under 11 U.S.C. § 102(1)(b).

APPENDIX “B”

ADDRESSES

Chapter 12 Trustee

301 South 13th Street, Suite 500
Lincoln, NE 68508

Chapter 13 Trustee

13930 Gold Circle, Suite 201
Omaha, NE 68144

Department of Agriculture

Office of General Counsel
P.O. Box 419205-Mail Stop 1401
Kansas City, MO 64141-0205

Office of General Counsel
9240 Troost Avenue, Mail Stop 1401
Kansas City, MO 64131

Department of Education

Office of General Counsel
400 Maryland Avenue S.W.
Washington, DC 20202-0008

Office of Post-Secondary Education
50 United Nations Plaza, Room 322
San Francisco, CA 94102-7102

Department of Health and Human Services (“HHS”)

Regional Attorney
Office of the General Counsel
601 East 12th Street, Room 411
Kansas City, MO 64106

Department of Housing and Urban Development (“HUD”)

Chief Counsel
Edward Zorinsky Federal Building
1616 Capitol Avenue, Suite 329
Omaha, NE 68102

Farm Service Agency

State Executive Director
CCC/FSA
7131 A Street
Lincoln, NE 68510-4202

Internal Revenue Service (“IRS”)

Internal Revenue Service
P.O. Box 21126
Philadelphia, PA 19114

Mississippi State Tax Commission Bankruptcy Section

Mississippi State Tax Commission
Bankruptcy Section
P.O. Box 22808
Jackson, MS 39225-4818

Nebraska Department of Revenue

Attn: Bankruptcy Unit
P.O. Box 94818
Lincoln, NE 68509-4818

Small Business Administration (“SBA”)

District Counsel
10675 Bedford Ave., Suite 100
Omaha, NE 68134-3603

Social Security Administration

Chief Counsel
601 East 12th Street, Room 535
Kansas City, MO 64106

United States Attorney

United States Attorney’s Office - Omaha
1620 Dodge Street, Suite 1400
Omaha, NE 68101

United States Attorney’s Office - Lincoln
487 Federal Building
100 Centennial Mall North
Lincoln, NE 68508

United States Attorney General

United States Department of Justice
950 Pennsylvania Avenue N.W., Room 5137
Washington, DC 20530

United States Bankruptcy Court for the District of Nebraska

United States Bankruptcy Court for the District of Nebraska
111 South 18th Plaza, Suite 1125
Omaha, NE 68102

(402) 661-7444

NEBml Orders Omaha@neb.uscourts.gov - Courtroom Department

United States Bankruptcy Court for the District of Nebraska
460 Federal Building
100 Centennial Mall North
Lincoln, NE 68508

(402) 437-1625

NEBml Orders Lincoln@neb.uscourts.gov - Courtroom Department

United States Department of Agriculture (“USDA”) Rural Development

State Executive Director
Room 152 Federal Building
100 Centennial Mall North
Lincoln, NE 68508

United States Postal Service (all cases other than tort)

Law Dept. - Western Area
9350 South 150 East, Suite 800
Sandy, UT 84070 - 2716

United States Postal Service (tort cases only)

Law Dept.
P.O. Box 80143
St. Louis, MO 63180

United States Trustee

111 South 18th Plaza, Suite 1148
Omaha, NE 68102

APPENDIX “C”
ASSIGNMENT OF CASES PER RULE 1073-1

A. Omaha Area. Cases originating from any of the following counties shall be assigned to the office of the Clerk of the Bankruptcy Court in Omaha:

Burt, Cass, Cedar, Cuming, Dakota, Dixon, Dodge, Douglas, Knox, Pierce, Sarpy, Thurston, Washington, and Wayne.

B. Lincoln Area. Cases originating from any of the following counties shall be assigned to the office of the Clerk of the Bankruptcy Court in Lincoln:

Adams, Antelope, Boone, Boyd, Buffalo, Butler, Clay, Colfax, Fillmore, Franklin, Gage, Greeley, Hall, Hamilton, Harlan, Holt, Howard, Jefferson, Johnson, Kearney, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Platte, Polk, Richardson, Saline, Saunders, Seward, Sherman, Stanton, Thayer, Webster, Wheeler, and York.

C. North Platte Area. Cases originating from any of the following counties are designated North Platte cases. All cases from these counties will be assigned to the office of the Clerk of the Bankruptcy Court in Lincoln:

Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Custer, Dawes, Dawson, Deuel, Dundy, Frontier, Furnas, Garden, Garfield, Gosper, Grant, Hayes, Hitchcock, Hooker, Keith, Keya Paha, Kimball, Lincoln, Logan, Loup, McPherson, Morrill, Perkins, Red Willow, Rock, Scotts Bluff, Sheridan, Sioux, Thomas, and Valley.

D. Judge Assignment. The Bankruptcy Judges will, from time to time, adopt a general policy concerning the assignment of cases for implementation by the Clerk. The general policy will be varied on a case-by-case basis at the Judges’ discretion based on a number of factors which include the relative workload of Judges, conflict of interests, and recusals. Upon the filing of a petition, the Clerk shall assign the case based on the following formula:

OMAHA CASES

	<u>Judge Mahoney</u>	<u>Judge Saladino</u>
Chapter 11	2 out of 3 cases	1 out of 3 cases
Chapter 12	2 out of 3 cases	1 out of 3 cases
Chapter 7	5 out of 10 cases	5 out of 10 cases
Chapter 13	5 out of 10 cases	5 out of 10 cases

LINCOLN AND NORTH PLATTE CASES

	<u>Judge Mahoney</u>	<u>Judge Saladino</u>
Chapter 11	1 out of 3 cases	2 out of 3 cases
Chapter 12	1 out of 3 cases	2 out of 3 cases
Chapter 7	2 out of 10 cases	8 out of 10 cases
Chapter 13	2 out of 10 cases	8 out of 10 cases

APPENDIX “D”
TO RULE 2003-1
LOCATIONS OF CHAPTER 7 § 341 MEETINGS

A. Omaha. If the debtor resides in any of the following counties, the § 341 first meeting of creditors will be held in Omaha:

Burt, Cass, Cedar, Cuming, Dakota, Dixon, Dodge, Douglas, Knox, Pierce,
Sarpy, Thurston, Washington, and Wayne.

B. Lincoln. If the debtor resides in any of the following counties, the § 341 first meeting of creditors will be held in Lincoln:

Butler, Colfax, Gage, Jefferson, Johnson, Lancaster, Nemaha, Otoe, Pawnee,
Platte, Richardson, Saline, Saunders, and Seward.

C. Grand Island. If the debtor resides in any of the following counties, the § 341 first meeting of creditors will be held in Grand Island:

Adams, Antelope, Boone, Boyd, Buffalo, Clay, Fillmore, Franklin, Greeley,
Hall, Hamilton, Holt, Harlan, Howard, Kearney, Madison, Merrick, Nance,
Nuckolls, Phelps, Polk, Sherman, Stanton, Thayer, Webster, Wheeler, and
York.

D. North Platte. If the debtor resides in any of the following counties, the § 341 first meeting of creditors will be held in North Platte:

Arthur, Blaine, Brown, Chase, Cherry, Custer, Dawson, Deuel, Dundy,
Frontier, Furnas, Garfield, Gosper, Grant, Hayes, Hitchcock, Hooker, Keith,
Keya Paha, Lincoln, Logan, Loup, McPherson, Perkins, Red Willow, Rock,
Thomas, and Valley.

E. Gering. If the debtor resides in any of the following counties, the § 341 first meeting of creditors will be held in Gering:

Banner, Box Butte, Cheyenne, Dawes, Garden, Kimball, Morrill, Scottsbluff,
Sheridan, and Sioux.

APPENDIX “E”
TO RULE 2003-1
LOCATIONS OF CHAPTER 11, 12, AND 13 § 341 MEETINGS

A. Omaha. If the debtor resides in any of the following counties, the § 341 first meeting of creditors will be held in Omaha:

Burt, Cass, Cedar, Cuming, Dakota, Dixon, Dodge, Douglas, Knox, Pierce,
Sarpy, Thurston, Washington, and Wayne.

B. Lincoln. If the debtor resides in any of the following counties, the § 341 first meeting of creditors will be held in Lincoln:

Adams, Antelope, Boone, Boyd, Buffalo, Butler, Clay, Colfax, Fillmore,
Franklin, Gage, Greeley, Hall, Hamilton, Harlan, Holt, Howard, Jefferson,
Johnson, Kearney, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls,
Otoe, Pawnee, Phelps, Platte, Polk, Richardson, Saline, Saunders, Seward,
Sherman, Stanton, Thayer, Webster, Wheeler, and York.

C. North Platte. If the debtor resides in any of the following counties, the § 341 first meeting of creditors will be held in North Platte:

Arthur, Banner, Blaine, Box Butte, Brown, Chase, Cherry, Cheyenne, Custer,
Dawes, Dawson, Deuel, Dundy, Frontier, Furnas, Garden, Garfield, Gosper,
Grant, Hayes, Hitchcock, Hooker, Keith, Keya Paha, Kimball, Lincoln,
Logan, Loup, McPherson, Morrill, Perkins, Red Willow, Rock, Scottsbluff,
Sheridan, Sioux, Thomas, and Valley.

APPENDIX “F”

CHAPTER 13 FEE APPLICATION

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:) CASE NO. BK _____
)
) CHAPTER 13
)
 Debtor(s).)

CHAPTER 13 FEE APPLICATION

Applicant, _____, was retained by the debtor with leave of the Court to serve in this bankruptcy case as _____. Applicant hereby requests the Court to approve compensation and reimbursement of expenses as follows:

Total fees requested: \$_____

Total expenses to be reimbursed: \$ _____

Amount received to-date
(exclusive of filing fees): \$ _____

Amount to be paid through plan: \$

1. The amount requested, if allowed, will be paid in full after _____
monthly payments under the plan.

2. The total time and billings for services in this case to-date:

<u>Identity of Person</u>	<u>Atty/Paralegal/Other</u>	<u>Hours</u>	<u>Rates</u>	<u>Total</u>

3. A detailed statement of charges for out-of-pocket expenses in the aggregate amount of \$ _____ is attached.

4. The following is a short statement of any unusual, troublesome, or unique aspects of this case which resulted in more than the usual amount of time being expended: _____

5. Unless excused pursuant to a Court order entered under Neb. R. Bankr. P. 2016, attached to this application is a detailed time summary exhibit in compliance with said Neb. R. Bankr. P. 2016.

6. The source of compensation previously paid to Applicant was _____.

7. Applicant has not shared or agreed to share any compensation received in connection with the bankruptcy case with any person or entity other than a member or regular associate of applicant's firm (if such a sharing arrangement exists, it should be disclosed in this paragraph).

DATED: _____.

[Applicant]

APPENDIX “G”
CHAPTER 13 PLAN AND NOTICE OF RESISTANCE DEADLINE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:)
) BK NO. _____
) (Chapter 13)
)
) **CHAPTER 13 PLAN**
) **AND**
Debtor(s).) **NOTICE OF RESISTANCE DEADLINE**

1. **PAYMENTS.**

The debtor or debtors (hereinafter called “Debtor”) submits to the Standing Chapter 13 Trustee all projected disposable income to be received within the applicable commitment period of the plan. The payment schedule is as follows:

A. Monthly Payment Amount [include any previous payments]	B. Number of Payments	Base Amount (AxB)
\$		\$
\$		\$
\$		\$
\$		\$

Total Plan Base Amount: \$ _____

The payment shall be withheld from the Debtor’s paycheck: Yes ☐ No ☐
Employee’s name from whose check the payment is deducted: _____
Employer’s name, address, city, state, phone: _____

Debtor is paid: Monthly ☐ Twice monthly ☐ Weekly ☐ Biweekly ☐ Other ☐

This plan cures any previous arrearage in payments to the Chapter 13 Trustee under any prior plan filed in this case.

NOTE: PLAN PAYMENTS TO THE TRUSTEE MUST BEGIN IMMEDIATELY FOR PLANS REQUIRING PRE-CONFIRMATION ADEQUATE PROTECTION PAYMENTS OR LEASE PAYMENTS. IN THOSE CASES PROVIDING FOR EMPLOYER DEDUCTIONS, THE DEBTOR MUST MAKE DIRECT PAYMENT TO THE TRUSTEE BY MONEY ORDER OR CASHIER’S CHECK UNTIL THEIR EMPLOYER DEDUCTION BEGINS. IN CASES WITHOUT PRE-CONFIRMATION PAYMENTS, PLAN PAYMENTS MUST COMMENCE WITHIN 30 DAYS OF FILING OF THE PETITION. THE DEBTOR MUST MAKE DIRECT PAYMENT TO THE TRUSTEE UNTIL THEIR EMPLOYER DEDUCTION BEGINS.

2. **ORDER OF PAYMENT OF CLAIMS.**

Applicable trustee fees shall be deducted from each payment disbursed by the trustee. Claims shall be paid in the following order: (1) 11 U. S. C. § 1326(a)(1)(B)&(C) pre-confirmation payments for adequate protection or leases of personal property; (2) payments to secured creditors under 11 U.S.C. § 1325(a)(5), payments due on executory contracts, the Debtor’s attorney fees, 11 U.S.C. § 507(a)(1)(A) priority domestic support claims and approved Chapter 7 Trustee

compensation; (3) other administrative expense claims under 11 U.S.C. § 503; (4) other priority claims in the order specified in 11 U.S.C. § 507(a) including post-petition tax claims allowed under 11 U.S.C. § 1305; (5) co-signed consumer debts; (6) general unsecured claims. Unless otherwise noted, claims within each class shall be paid pro rata. If funds remain after payment of specific monthly payments provided for in the plan, the Chapter 13 Trustee may distribute those funds to secured creditors in payment of their allowed secured claims.

3. **SECTION 1326(a) PRE-CONFIRMATION ADEQUATE PROTECTION PAYMENTS AND LEASE PAYMENTS.**

The following pre-confirmation adequate protection payments on claims secured by personal property and pre-confirmation lease payments for leases of personal property shall be paid by the trustee to the below listed creditors without entry of an order of the Court. The Debtor proposing pre-confirmation payments will immediately commence plan payments to the trustee. Creditors must file a proof of claim to receive payment. Payments by the trustee shall commence to these creditors within 30 days of the filing of the proof of claim unless the trustee does not have funds available within 7 working days prior to the end of the 30-day period. Post-confirmation payments are provided for below in Paragraphs 6 and 7 of this plan.

Creditor's Name and Full Address	Last Four Digits of Account Number	Date of Next Payment Due	Payment Amount
1.			\$
2.			\$
3.			\$

4. **ADMINISTRATIVE CLAIMS.**

Trustee fees shall be deducted from each payment disbursed by the trustee.

Neb. R. Bankr. P. 2016-1(A)(4) and Appendix "N" provide that a request for allowance of Chapter 13 attorney fees not exceeding \$3,000.00 and costs not exceeding \$300.00 may be included in a Chapter 13 plan. Total fees or costs in excess of this amount must be approved through a separate fee application. Fees and costs requested for allowance are as follows:

Total Fees Requested	Fees Received Prior to Filing	Balance of Fees to be Paid in Plan
\$	\$	\$
Total Costs Requested	Costs Received Prior to Filing	Balance of Costs to be Paid in Plan
\$	\$	\$

Fees and costs allowed shall be paid at the rate of not less than \$_____ per month and shall accrue from the month in which the case is filed.

5. **PRIORITY CLAIMS.**

11 U.S.C. § 1322(a) provides that all claims entitled to priority under 11 U.S.C. § 507(a) shall be paid in full in deferred cash payments unless the holder of a particular claim agrees to a different treatment of such claim except for a priority claims under 11 U.S.C. § 507(a)(1)(B). It is further provided that any and all pre-petition penalties, and post-petition penalties and interest, which have attached or will be attached to any such claim, shall be treated as a general unsecured claim and not entitled to priority. Such claims are as follows:

- (A) **Domestic Support Obligations:**
 (1) ☐ None. [If none, skip to Priority Taxes section.]
 (2) Name of Debtor who owes Domestic Support Obligation: _____.

(3) The names(s), address(es), and phone number(s) of the holder of ANY domestic support obligation as defined in 11 U.S.C. § 101(14)(A):

Name	Address, City, and State	Zip Code	Telephone Number
1.			
2.			
3.			

(4) The Debtor is required to pay all post-petition Domestic Support Obligations directly to the holder of the claim and not through the Chapter 13 plan.

(B) Arrearages Owed to Domestic Support Obligation Holders Under 11 U.S.C. § 507(a)(1)(A):

(1) ☐ None. [If none, skip to subparagraph C below.]

(2) Name of holder of Domestic Support Obligation Arrearage Claim, estimated arrears and monthly payment:

Name of Creditor	Estimated Arrearage Claim	Monthly Payment on Arrearage
1.	\$	\$
2.	\$	\$
3.	\$	\$

(C) Domestic Support Obligations Assigned to or Owed to a Governmental Unit Under 11 U.S.C. § 507(a)(1)(B):

(1) ☐ None. [If none, skip to Priority Tax Claims.]

(2) Name of Creditor, estimated arrearage claim and any special payment provisions:

Name of Creditor	Estimated Arrearage Claim	Provision for Payment
1.	\$	\$

(D) Priority Tax Claims Including Post-Petition Tax Claims Allowed Under 11 U.S.C. § 1305:

Federal: \$	State: \$	Total: \$
-------------	-----------	-----------

(E) Chapter 7 Trustee Compensation Allowed Under §1326(b)(3):

Amount Allowed	Monthly Payment (greater of \$25 or 5% of monthly payment to unsecured creditors)
\$	\$

(F) Other Priority Claims: _____

6. **SECURED CLAIMS.**

(A)(1) Home Mortgage Claims (including claims secured by real property which the Debtor intends to retain). Unless otherwise provided in this plan, Debtor shall pay all post-petition mortgage payments directly to each mortgage creditor as those payments ordinarily come due beginning with the first due date after the case is filed and such creditor shall retain any lien securing its claim. Any pre-petition arrearage shall be paid through this Chapter 13 plan with interest as provided below and in equal monthly payments as specified below. The amount of pre-petition arrears is determined by the proof of claim, subject to the right of the Debtor to object to the amount set forth in the claim.

Name of Creditor	Property Description	Estimated Pre-petition Arrearage	Pre-confirmation Interest Rate and Dollar Amount Limit, if Any	Post-confirmation Interest Rate	Monthly Payment Amount on Pre-petition Arrears	Total Payments on Pre-petition Arrears Plus Interest
1.		\$	___% \$	___%	\$	\$
2.		\$	___% \$	___%	\$	\$
3.		\$	___% \$	___%	\$	\$

(A)(2) The following claims secured by real property shall be paid in full through the Chapter 13 plan:

Name of Creditor	Property Description	Pre-confirmation Interest Rate and Dollar Amount Limit, if Any	Post-confirmation Interest Rate	Monthly Payment Amount	Total Payments Plus Interest
1.		___% \$	___%	\$	\$
2.		___% \$	___%	\$	\$

(B) Post-Confirmation Payments to Creditors Secured by Personal Property. Post-confirmation payments to creditors holding claims secured by personal property shall be paid as set forth in subparagraphs (1) and (2). If the Debtor elects a different method of payment, such provision is set forth in subparagraph (3).

(1) Secured Claims to Which § 506 Valuation is NOT Applicable: Claims listed in this subsection are debts secured by a purchase-money security interest in a personal motor vehicle, incurred within 910 days of filing of the bankruptcy OR debts secured by a purchase-money security interest in “any other thing of value,” incurred within 1 year prior to filing of the bankruptcy. These claims will be paid in full with interest as provided below and in equal monthly payments as specified below:

Name of Creditor	Property Description	Estimated Claim Amount	Pre-confirmation Interest Rate and Dollar Amount Limit, if Any	Post-confirmation Interest Rate	Monthly Payment Amount	Total Payments Plus Interest
1.		\$	___% \$	___%	\$	\$
2.		\$	___% \$	___%	\$	\$
3.		\$	___% \$	___%	\$	\$

(2) Secured Claims to Which § 506 Valuation is Applicable: Claims listed in this subsection are debts secured by personal property not described in the prior paragraph of this plan, 6(B)(1). These claims will be paid either the value of the secured property or the amount of the claim, whichever is less, with interest as provided below and in equal monthly payments as specified below. The portion of a claim that exceeds the value of the secured property will be treated as an unsecured claim. The value of the secured property is determined by the proof of claim, subject to the right of the Debtor to object to such valuation.

Name of Creditor	Property Description	Estimated Value of Security or Amount Owed (use lowest amount)	Pre-confirmation Interest Rate and Dollar Amount Limit, if Any	Post-confirmation Interest Rate	Monthly Payment Amount	Total Payments Plus Interest
1.		\$	___% \$	___%	\$	\$
2.		\$	___% \$	___%	\$	\$
3.		\$	___% \$	___%	\$	\$

(3) Other Provisions:

(C) Surrender of Property. The Debtor surrenders any interest in the following collateral. Any secured claim filed by the below creditors will be deemed satisfied in full through surrender of the collateral. Any unsecured deficiency claim must be filed by the bar date for claims or allowed by separate order of the Court.

Name of Creditor	Collateral to be Surrendered
1.	
2.	

(D) Lien Avoidance. The Debtor shall file a Motion to Avoid the lien of the following creditor(s):

Name of Creditor	Amount Owed	Property Upon Which Debtor Will Seek to Avoid Lien
1.	\$	
2.	\$	

7. **EXECUTORY CONTRACTS/LEASES.**

(A) The Debtor rejects the following executory contracts:

Name of Creditor	Property Subject to Executory Contract
1.	
2.	

(B) The Debtor assumes the executory contract/lease referenced below and provides for the regular contract/lease payment to be included in the Chapter 13 plan. Any pre-petition arrearage will be cured in monthly payments as noted below:

Name of Creditor	Property Subject to Executory Contract/Lease	Estimated Arrearages on Contract as of Date of Filing	Monthly Payment to be Made on Contract Arrearage	Regular Number of Contract Payments Remaining as of Date of Filing	Amount of Regular Contract Payment	Due Date of Regular Contract Payment	Total Payments (arrearages plus regular contract payments)
1.		\$	\$		\$		\$
2.		\$	\$		\$		\$

8. **CO-SIGNED UNSECURED DEBTS.**

(A) The following co-signed debts shall be paid in full at the contract rate of interest from petition date.

Name of Creditor	Estimated Amount Due	Contract Rate of Interest	Total Due
1.	\$	%	\$

9. **UNSECURED CLAIMS.**

(A) Allowed unsecured claims shall be paid pro rata from all remaining funds.

10. **ADDITIONAL PROVISIONS.**

(A) If there are no resistances/objections to confirmation of this plan or after all objections are resolved, the Court may confirm the plan without further hearing.

(B) Property of the estate, including the Debtor's current and future income, shall re-vest in the Debtor at the time a discharge is issued, and the Debtor shall have sole right to use and possession of property of the estate during the pendency of this case.

(C) In order to obtain distributions under the plan, a creditor must file a proof of claim within 90 days after the first date set for the Meeting of Creditors except as provided in 11 U.S.C. § 502(b)(9). Claims filed after this bar date shall be disallowed except as provided in Bankruptcy Rule 3002.

(D) Unless otherwise provided in this plan or ordered by the Court, the holder of each allowed secured claim provided for by the plan shall retain its lien securing such claim as provided in 11 U.S.C. § 1325(a)(5)(B).

NOTICE OF RESISTANCE DEADLINE

ANY RESISTANCE TO THIS PLAN OR REQUEST FOR A HEARING MUST BE FILED IN WRITING WITH THE BANKRUPTCY CLERK'S OFFICE (SEE ORIGINAL NOTICE OF BANKRUPTCY FOR ADDRESS) AND SERVED ON THE ATTORNEY FOR THE DEBTOR AT THE ADDRESS LISTED BELOW (OR SERVED ON THE DEBTOR, IF NOT REPRESENTED BY AN ATTORNEY), ON OR BEFORE:

(USE OPTION A OR B – SEE LOCAL COURT RULES)

(A) ☐ **14 DAYS AFTER THE CONCLUSION OF THE MEETING OF CREDITORS**
OR

(B) ☐ **MONTH, DAY AND YEAR** (USE A CALENDAR DATE WHICH IS AT LEAST
21 DAYS AFTER THE DATE THE PLAN IS FILED WITH THE COURT)

IF A TIMELY RESISTANCE OR REQUEST FOR A HEARING IS FILED AND SERVED, THE BANKRUPTCY COURT WILL HANDLE THE RESISTANCE IN ACCORDANCE WITH NEB. R. BANKR. P. 3015-2. IF THERE ARE NO OBJECTIONS TO THE PLAN AS FILED, THE COURT MAY CONFIRM THE PLAN WITHOUT FURTHER HEARING.

CERTIFICATE OF SERVICE

On _____, 20__ , the undersigned mailed a copy of this plan to all creditors, parties-in-interest, and those requesting notice by regular United States mail, postage prepaid. The parties to whom notice was mailed are either listed below or on the attached mailing matrix. The undersigned relies on the CM/ECF system of the United States Bankruptcy Court to provide service to the following: Kathleen A Laughlin, Chapter 13 Trustee.

DATED: _____.

Debtor(s)

By: /s/ _____

Attorney for the Debtor(s)

Attorney Number: _____

Attorney Address: _____

Attorney City, State, Zip: _____

Attorney Phone Number: _____

Attorney Fax Number: _____

Attorney Email Address: _____

APPENDIX “H”

ORDER CONFIRMING PLAN

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:) CASE NO. BK _____
)
)
 _____,) CHAPTER 13
)
 Debtor(s).)

ORDER CONFIRMING PLAN

This matter comes on for confirmation of the debtor(s) Chapter 13 plan (Fil. #____, as amended or modified, by Fil.(s) #____).

The Court finds:

(1) There has been compliance with the provisions of 11 U.S.C. § 1301, *et seq.*, fees required to be paid, have been paid, and the plan has been proposed in good faith and not by any means forbidden by law.

(2) The value of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on said claim if the debtor(s)'s estate were liquidated under Chapter 7 on the effective date of the plan.

(3) With respect to each allowed secured claim provided for by the plan:

(A) the holder of such claim has accepted the plan;

(B) (i) the plan provides that the holder of such claim retain the lien securing such claim; and

(ii) the value, as of the effective date of the plan, of property to be distributed under the plan on account of such claim is not less than the allowed amount of such claim; or

(C) the debtor surrenders the property securing such claim to such holder;
and

(4) The plan is feasible.

(5) Attorney fees are allowed as stated in the Chapter 13 plan/amended plan.

[(6) For cause shown, plan payments may exceed three years as provided in the plan.]

IT IS HEREBY ORDERED, that the plan is confirmed.

DATED: _____.

BY THE COURT:

United States Bankruptcy Judge

Notice given to:

Movant (*) is responsible for giving notice of this journal entry to all other parties (that are not listed above) if required by rule or statute.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

NOTICE OF COMMENCEMENT OF CASE UNDER CHAPTER 9
NOTICE OF AUTOMATIC STAY, NOTICE OF TIME
FOR FILING RESISTANCES TO THE PETITION, ORDER FOR RELIEF,
NOTICE OF TIME FOR FILING PROOFS OF CLAIMS,
AND RELATED ORDERS COMBINED WITH NOTICE THEREOF

2. Notice of Automatic Stay. The filing of the petition operates as a stay applicable to all entities of the commencement or continuation, including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against an officer or inhabitant of the debtor that seeks to enforce a claim against the debtor, and the enforcement of a lien on or arising out of taxes or assessments owed to the debtor, and certain other acts and proceedings against the debtor and its property as provided in 11 U.S.C. §§ 362 and 922.

3. Notice of Time for Filing of Resistances to the Petition. Resistances to the petition may be filed by a party-in-interest not later than 45 days after the mailing of this notice by the debtor to all creditors, special taxpayers, and other parties in interest. 11 U.S.C. § 921(c). Resistances shall be filed with the Clerk, United States Bankruptcy Court for the District of Nebraska, and copies of the resistances shall be mailed to the attorney for the debtor. All resistances shall state the facts and legal authorities in support of such resistances. If any timely resistances are filed with the Court, the Court will order the resisting party to give proper notice to all parties in interest of the hearing on the resistances.

4. Order for Relief. The filing of the petition constitutes an order for relief under Chapter 9, and this notice shall be deemed notice of such order for relief. 11 U.S.C. §§ 901 and 301. The filing of a resistance to the debtor's petition shall be deemed to constitute a motion to vacate the order of relief, and the Court shall proceed as follows: After notice by the resisting party and a hearing, it may dismiss the petition, subject to 11 U.S.C. § 921(e), if the debtor did not file the petition in good faith or if the petition does not meet the requirements of Chapter 9, Title 11, U.S.C.

5. Notice of Time for Filing Proofs of Claims. The debtor has filed or will file a list of claims. Any creditor holding a listed claim which is not disputed, contingent, or unliquidated as to amount, may, but need not, file a proof of claim in this case. Creditors whose claims are listed or whose claims are listed as disputed, contingent, or unliquidated as to amount and who desire to participate in the case or share in any distribution must file their proofs of claims on or before [either the specific bar date established by Court Order or "a date to be established by the Bankruptcy Court on application by the debtor.] Any creditor who desires to rely on the list has the responsibility for determining that the claim is accurately listed.

6. Notices. All notices required by subdivisions (a)(2), (3), and (7) of Bankruptcy Rule 2002 shall be mailed only to the committee(s) or to their authorized agents and to the creditors who file with the Court a request that all notices be mailed to them.

DATED: _____.

BY THE COURT:

United States Bankruptcy Judge

APPENDIX “J”

CHAPTER 12 STANDING TRUSTEE FEES

In the administration of cases under Chapter 12 of the Bankruptcy Code, a Chapter 12 Standing Trustee is appointed to participate in the administration of the case and to monitor plan performance post-confirmation.

Among the duties the Chapter 12 Standing Trustee is to perform are an accounting of property, examination of claims, provide information to creditors, and to file a final accounting. In addition, the Chapter 12 Standing Trustee is to examine the financial affairs of the debtor and to report on any mismanagement. The Chapter 12 Standing Trustee appears at confirmation hearings and monitors the payments required under the confirmed plan.

The Chapter 12 Standing Trustee is to be paid a fee of up to 10% of payments made under the confirmed plan. Such fee is to be paid from payments received by the Chapter 12 Standing Trustee. Since Chapter 12 was modeled on Chapter 13, there was a reasonable expectation that most, if not all, plan payments would be received by the Chapter 12 Standing Trustee for distribution.

However, because of the decision in *In re Wagner*, 36 F.3d 723 (8th Cir. 1994), plan payments can be made directly to creditors. Thus, although the Chapter 12 Standing Trustee would be entitled to a fee, there would be no funds available to pay it. This result threatens the integrity of the Chapter 12 process and creates an inequitable burden upon the Chapter 12 Standing Trustee who has statutory duties to perform but would not be paid. The Court is aware that Chapter 12 Standing Trustees in other jurisdictions have resigned because of this problem.

The Court finds that the Chapter 12 Standing Trustee performs a valuable service to the Court and to the parties in the Chapter 12 process and should be retained. The Court also finds that requiring a Chapter 12 debtor to pay a fee is not inequitable in view of the benefits derived from the debtor's reorganization and from the services of the Chapter 12 Standing Trustee.

The Court is empowered under the provisions of § 105 of the Bankruptcy Code to issue orders necessary or appropriate to carry out the provisions of this Title. Such an order is necessary and appropriate in the District of Nebraska in order to assure that the Chapter 12 bankruptcy cases proceed in an orderly fashion and that the integrity of the Chapter 12 cases be maintained.

Whether a Chapter 12 plan provides for payments to be made to creditors directly or through the Chapter 12 Standing Trustee, the debtor shall pay to the Chapter 12 Standing Trustee a fee, for each year of the plan, which shall be the lesser of 10% of all payments under the plan (or such other percentage as is set by the Attorney General or his or her delegate from time to time pursuant to the requirements of 28 U.S.C. § 586 (e)), or \$4,000.00.

APPENDIX “K”
CERTIFICATION BY DEBTOR IN SUPPORT OF CONFIRMATION

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF: _____, Debtor(s).

CASE NO. _____ Chapter _____

**CERTIFICATION BY DEBTOR
IN SUPPORT OF CONFIRMATION**

With regard to the Chapter 13 plan/amended plan filed on _____, I certify that:

(ONE OF THE PARAGRAPHS BELOW MUST BE CHECKED)

Since the filing of this bankruptcy, I have not been required by a judicial or administrative order or by statute to pay any domestic support obligation as defined in 11 U.S.C. § 101(14A).

OR

I have paid all amounts that first became due and payable after the filing of this bankruptcy which I am required to pay under a domestic support obligation (as defined in 11 U.S.C. § 101(14A)) required by a judicial or administrative order or by statute.

I declare under penalty of perjury that the foregoing certification is true and correct.

DATED: _____.

Debtor

Joint Debtor

APPENDIX “L”
SAMPLE FORMAT - CERTIFICATE OF SERVICE

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

Sample Format - Certificate of Service

I hereby certify that on _____ (DATE), I caused filing of the foregoing with the Clerk of the Bankruptcy Court using the CM/ECF system, and further certify that on the same date I mailed by United States Postal Service, postage prepaid, the document to the non-CM/ECF participants named on the current matrix.

s/ _____

APPENDIX “M”

DOCKETING STANDARDS FOR EVIDENCE

For ease in offering evidence in the courtroom and to provide continuity on the dockets, the following standards have been established. The events have been modified to assist in this process.

Documentary Evidence: Exhibits/Affidavits/Declarations

1. Do NOT attach evidence to a Certificate of Service, Exhibit List, Notice of Intent to Offer Evidence, or Index of Evidence. Each item of evidence to be offered should be filed separately. Any supporting documents to the item of evidence to be offered may be filed as attachments to the evidence, but must have an informative description.

Example: An affidavit with supporting documents. The supporting documents will be filed as attachments to the affidavit with the attachments being described as promissory note, bank statement, deed of trust, appraisal, etc. Do not name attachments to the evidence as Exhibit 1 without a more detailed description. See example of Docket Entry Examples below.

2. The docket text should be in the following format:
Exhibit: *[description of exhibit]* in support of *[motion or objection]* (additional text may be added for further clarification). If the exhibit is an affidavit or declaration, the affiant should be identified. Example: Affidavit of *[affiant]* in support of *[motion or objection]*.
3. Items will be offered in Court by the Court’s document number.
4. It is further recommended that evidence lists (Exhibit Lists, Notice of Intent to Offer Evidence, and Indexes of Evidence) be filed *after* the actual exhibits allowing parties to reference the Court’s document numbers in their Exhibit Lists.

Docket Entry Examples:

Docket Text: Final Text

EXHIBIT - Bank Statement in Support of Motion for Relief. Filed by Patricia Dugan (related document(s)[3]). (Scheibatty, Patty)

Docket Text: Final Text

Affidavit of Jane Doe in Support of Objection to Motion for Relief. Filed by Patricia Dugan (related document(s)[4]). (Attachments: # (1) Exhibit Promissory Note# (2) Exhibit Deed of Trust) (Scheibatty, Patty)

APPENDIX “N”

CHAPTER 13 FEE REQUESTS

1. Attorney Fees. In Chapter 13 cases, counsel for the debtor, without filing a fee application, may include in the Chapter 13 plan a request for the allowance of up to \$3,000.00 in attorney fees and expenses not to exceed \$300.00. The amount of fees and anticipated expenses specified in the plan shall be deemed allowed upon confirmation of the plan. Such fees represent compensation for the specific items listed in paragraph 2 below. No additional fees will be allowed, except for extraordinary services provided to the debtor. Extraordinary services include participation in a trial (as opposed to affidavit hearings) concerning contested matters or adversary proceedings. If counsel for the debtor has provided such extraordinary legal services and earned fees in excess of \$3,000.00, calculated by multiplying a standard hourly rate times the number of hours actually worked in the case, whether prior to confirmation or following confirmation, counsel may file a detailed fee application, served in accordance with Neb. R. Bankr. P. 9013-1. Whether an objection to the additional fees is filed, or not, such fee application shall be closely scrutinized by both the Chapter 13 Trustee and the Court. The Chapter 13 Trustee may, but is not required to file a “comment” concerning the hourly rate, the time involved, the services provided, or the total amount of fees requested. Except for any pre-petition retainer, counsel for the debtor may not receive fees directly from the debtor. Fees shall be paid through the plan unless otherwise ordered.

2. Services Included in Standard Allowable Fee. Legal services covered by the standard allowable fee of \$3,000.00 in Chapter 13 cases are the following:

- a. Meet with the debtor to review the debtor’s debts, assets, liabilities, income, and expenses. Counsel the debtor regarding the advisability of filing either a Chapter 7 or Chapter 13 case. Discuss both procedures with the debtor and answer the debtor’s questions. Explain what payments will be made directly by the debtor and what payments will be made through the debtor’s Chapter 13 plan, with particular attention to mortgage loan payments, as well as any other claims which accrue interest.
- b. Explain to the debtor how, when, and where to make the Chapter 13 plan payments. Explain to the debtor that the first plan payment must be made to the trustee within 30 days of the date the plan is filed.
- c. Advise the debtor of the requirement to attend the § 341 meeting of Creditors, and instruct the debtor as to the date, time, and place of the meeting. Appear at the § 341 meeting of Creditors with the debtor.
- d. Advise the debtor of the necessity of maintaining liability, collision, and comprehensive insurance on vehicles securing loans or leases.
- e. Verify six months of pay stubs and timely submit to the Court. Verify two years of complete tax returns including W-2s and submit as required by the rules. Review

actual insurance policy, proof of driver's license and social security card, relevant bank statements, automobile insurance policies, electric/gas/water bills, domestic child support order, copies of summons or judgments, and copies of all purchase agreements. Complete and file **Appendix K**, the "Certification by Debtor on Support of Confirmation" and **Appendix O**, the "Certification by Debtor in Support of Discharge." Aid the debtor in obtaining pre-petition credit counseling and post-petition financial education. Complete and file the B22 Form.

- f. Timely prepare and file the debtor's petition, plan, statements, and schedules. Respond to objections to plan confirmation and, where necessary, prepare an amended plan. Prepare, file, and serve necessary modifications to the plan. Prepare, file, and serve necessary amended statements and schedules, in accordance with information provided by the debtor.
- g. Prepare, file, and serve necessary motions to buy, sell, or refinance real property when appropriate.
- h. Object to improper or invalid claims, if necessary, based upon documentation provided by the debtor.
- i. Represent the debtor concerning affidavit hearings on motions for relief from stay, valuation hearings, confirmation hearings, hearings on motions to dismiss and other similar matters. (Participation in affidavit hearings is not considered providing an extraordinary service which justifies additional fees.)
- j. When appropriate, prepare, file, and serve necessary motions to avoid liens on real or personal property.
- k. Provide such other legal services as are necessary for the proper administration of the case.

APPENDIX "O"
CERTIFICATION BY DEBTOR IN SUPPORT OF DISCHARGE
REGARDING PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN THE MATTER OF:

CASE NO. _____

_____,

Chapter 12

Debtor(s).

CERTIFICATION BY DEBTOR
IN SUPPORT OF DISCHARGE REGARDING
PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS

I certify that:

(ONE OF THE PARAGRAPHS BELOW MUST BE CHECKED)

☐ I am not required by a judicial or administrative order or by statute to pay any domestic support obligation as defined in 11 U.S.C. § 101(14A).

OR

☐ I am required by a judicial or administrative order or by statute to pay a domestic support obligation as defined in 11 U.S.C. § 101(14A), and all amounts payable under such order or statute that are due on, or were due before, the date of this certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid.

I declare under penalty of perjury that the foregoing certification is true and correct.

DATED: _____.

Debtor

Joint Debtor

APPENDIX "P"

**CERTIFICATION BY DEBTOR IN SUPPORT OF DISCHARGE
REGARDING (1) PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS
AND (2) DISCHARGES IN PRIOR CASES**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA**

IN THE MATTER OF:

CASE NO. _____

_____,

Chapter 13

Debtor(s).

)
)
)
)
)

**CERTIFICATION BY DEBTOR IN SUPPORT OF DISCHARGE REGARDING
(1) PAYMENT OF DOMESTIC SUPPORT OBLIGATIONS
AND (2) DISCHARGES IN PRIOR CASES**

I certify that I have not, during the four-year period preceding the date of the order for relief under this chapter (which is the date on which the petition in this case was filed), received a discharge in a bankruptcy case filed under Chapter 7, 11, or 12; and I have not, during the two-year period preceding the date of the order for relief, received a discharge in a case filed under Chapter 13:

(ONE OF THE PARAGRAPHS BELOW MUST BE CHECKED)

☐ I am not required by a judicial or administrative order or by statute to pay any domestic support obligation as defined in 11 U.S.C. § 101(14A).

OR

☐ I am required by a judicial or administrative order or by statute to pay a domestic support obligation as defined in 11 U.S.C. § 101(14A), and all amounts payable under such order or statute that are due on, or were due before, the date of this certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid.

I declare under penalty of perjury that the foregoing certification is true and correct.

DATED: _____.

Debtor

Joint Debtor